

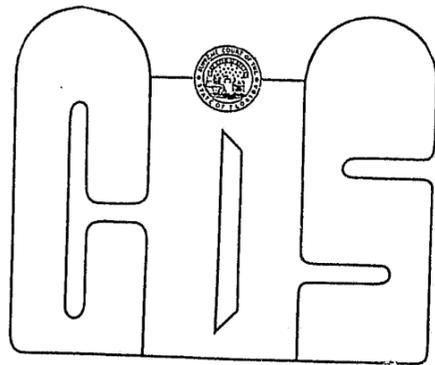
MFL



THE  
CITIZEN DISPUTE

SETTLEMENT PROCESS

IN  
FLORIDA



A COMPREHENSIVE

ASSESSMENT

U.S. Department of Justice  
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THE CITIZEN DISPUTE SETTLEMENT PROCESS IN FLORIDA:  
A COMPREHENSIVE ASSESSMENT

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PREFACE

This report is a result of a combination of efforts by a host of individuals. Without the collective cooperation of such individuals, the study and the resulting report could not be accomplished.

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## INTRODUCTION

In recent years state and federal courts have been called on to resolve ever-increasing numbers and types of problems and disputes between individuals, groups, and organizations. This escalation in litigation has resulted in overburdened court systems and intolerable claims on costly and time-consuming procedures and formal adjudicatory mechanisms not necessary to the successful resolution of relatively simple cases. Unfortunately, the response from state court systems has too often been an automatic cry for a greater commitment of the type of resources needed for the handling of more serious criminal and civil cases. The problems peculiar to the filing and resolution of cases more appropriately classified as "minor" have been largely ignored.

The impact of the growing number of minor disputes on the total workload of any state court system is difficult to assess with precision, but it appears to be significant. For example, in 1979, there were 892,228 new case filings (excluding traffic) in Florida state courts. Of this total, 43 percent were misdemeanor and small claims filings. Misdemeanor cases comprised 69 percent of the total criminal caseload and small claims represented 39 percent of all civil cases filed in that year.

While, of course, not all misdemeanor and small claims actions can be categorized as minor in terms of their relative severity, complexity, or financial implication, a sizable percentage can be. In addition, although "minor" in terms of the call on scarce judicial resources, these disputes are regarded as extremely important to the involved parties. Florida's experience suggests that these cases often may remain in the system for an inordinate time owing to scheduling problems and backlogs caused by the over-all increases in caseload. Consequently when they finally receive attention, they are dealt with less thoroughly than may be desirable because of limited resources. Often a finding of guilt, innocence, or liability fails to resolve the true problem between disputants and, more specifically, the reasons for the dispute. This is especially true with respect to various small claims actions in which complainants, even with judgments in their favor, may encounter considerable difficulty in receiving the compensation provided for as a result of the court's disposition.

When there is an ongoing relationship between the disputants (family members, neighbors, landlord and tenant, for example), the problem is likely to reoccur or become even more aggravated if the underlying causes are not dealt with. There is usually little preventive benefit in handling these cases through regular court processes. Because of delays, costs, and uncertainty of results, many disputants may simply choose not to pursue a resolution in the courts at all. The tensions generated by the dispute grow and can erupt in violent "self-help" or other anti-social conduct.

A more recent and innovative response to this problem has been the development and implementation of citizen dispute settlement programs throughout the country. Many of the pioneer efforts were patterned after the night prosecutor program in Columbus, Ohio, which in turn was based on the use of mediation techniques to resolve disputes arising from minor criminal actions between persons who knew or dealt with one another regularly.

As the number of minor dispute resolution programs has increased, attention has turned to the manner in which information about the concept should be disseminated. The L.E.A.A. identified the Columbus program as an "exemplary project." An initiative by the Department of Justice and the L.E.A.A., commencing in 1977, established neighborhood justice centers in Atlanta, Kansas City, and Los Angeles.

In spite of the emerging importance and popularity of the citizen dispute settlement concept, however, relatively little attention has been given to assessing the performance of such programs and their relative success at resolving the disputes which are dealt with through this process. The purpose of this research was to do just that. Recognizing the limited availability of reliable data and information resulting from a sound research methodology relating to assessing the performance and effectiveness of the CDS process, the task of developing such a methodology that would result in the availability of such reliable and valid measures was undertaken.

The study consisted of three major data collection efforts. The first data collection procedure involved the examination of 2,448 CDS case files from five different programs in Florida (Broward, Dade, Duval, Orange and Pinellas counties). All complaints referred to the CDS programs during the first six months of 1978 were surveyed. Prior to the process of collecting the information, an instrument was developed which included all the items deemed important to meet the goals of the study. In addition, guidelines in the form of definitions of the categories and criteria for classification of the case file information were developed to facilitate consistent and valid data collection.

A second major data gathering process consisted of mailing questionnaires to all complainants (1184) and respondents (1184) who were in the sample of 1448 cases and had participated in a mediation hearing in which an agreement was reached. The questionnaires were developed to measure the effectiveness of CDS and its impact on the judicial system. The instruments were developed in a manner which facilitated the highest possible return rate, i.e. the questions were brief and easily understandable, and the number of questions was kept to a minimum.

The final phase of the research involves analysis of the personnel costs of processing cases through the CDS process in one program (Hillsborough county). There were four methods employed during the research project to collect the information necessary to address the questions raised. Such methods included interviews with personnel, observation of case processing, inspection of case files, and perusal of agency documents. Due to the inceptive nature of the Hillsborough county CDS program, all cases filed from January 1, 1979 to April 6, 1979 were examined (N=203).

The result of the research was the preparation of this report. The objectives of this report are to describe the CDS process and its participants, assess the overall performance of the CDS process, assess the effect of certain variables on the performance of the process, assess the costs of the process, and to assess the potential impact of CDS on existing dispute resolution mechanisms.

In the following sections, the major findings associated with each of these objectives are presented. Definitions and further explanation of selected terminology is provided in Addendum A.

## MAJOR FINDINGS

### A. Description of CDS Process and Participants

This section reflects upon the basic descriptive characteristics found in the five CDS programs. These distinguishing features can be classified into characteristics relating to the CDS process as well as the CDS participants. The intent of this section is to simply present the data collected in the research effort. An attempt to determine and explain the causal aspects of the variations found will be dealt with in Section C.

#### 1. Process Characteristics

In assessing the characteristics relating to the CDS process, data was collected to determine:

- The means by which disputants were introduced to the CDS programs
- The general and specific types of disputes they handle
- The nature of complaints, i.e., what the complainants were seeking
- The type of dispositions
- The nature of the agreements reached from the perspective of both the complainants and respondents

The following depicts the initial analysis of this data, which consists primarily of the distribution of cases across categories of the process characteristics mentioned above. The distributions are presented for each CDS program and the total number of cases. The source of this data was derived from the 2,448 CDS case files examined. The percentage figures are computed on the total number of valid responses within the given process characteristic.

##### a. Source of Referrals

As indicated by Table 1, the vast majority of the CDS disputes are referred to the programs by either law enforcement agencies (31.5%) or the state attorney's office (31.1%). The next highest source of case origination comes from walk-ins (or self referrals), which comprised 6.7 percent of the total number of cases sampled.

Ideally, a CDS program should solicit referrals from many different sources to ensure that the citizens of their jurisdiction are afforded as many avenues of access to the program as possible. The data clearly shows there is great room for improvement in this area. It should be noted, however, that

the distribution of cases referred by individuals or agencies varies considerably across different programs. For example, the Duval CDS program, which operates under the auspices of the state attorney's office, receives virtually all (98.9%) of their referrals from the state attorney's office. In contrast, the Pinellas CDS program received at least some referrals from every category and had a more even distribution of referrals.

Table 1  
Source of Referrals

Area Variable	Broward (117)	Dade (669)	Duval (273)	Orange (162)	Pinellas (778)	Total (1998)
Law Enforcement	26.5%	48.1%	0.0%	56.2%	23.5%	31.5%
State Attorney	23.1	25.9	98.9	9.9	17.5	31.1
Walk-in	5.1	10.3	0.0	16.7	4.0	6.7
Court Clerk	7.7	2.1	0.0	0.0	10.0	5.1
Legal Aid	1.7	1.8	0.0	6.9	6.9	4.1
City Hall	0.9	0.3	0.0	0.0	9.3	3.8
News Media	0.9	2.1	0.4	1.9	4.2	2.6
Consumer Protection Agency	3.4	0.1	0.0	0.0	5.0	2.2
Judge	8.5	0.9	0.0	0.0	3.2	2.1
Private Attorney	1.7	0.7	0.0	1.9	3.3	1.8
Other Govern- mental Agency	2.6	5.7	0.0	4.9	5.5	4.6
Other	17.9	1.9	0.0	0.0	7.5	4.6

b. Types of Disputes

Great attention has been placed upon the assessment of the types of disputes handled by CDS programs. The obvious reason for such a concern is that in developing a descriptive overview of the CDS process, the type of dispute being handled stands out as a primary variable.

(1) General Types

Table 2 reveals that 59.4 percent of the total CDS cases examined were civil and 40.6 percent were criminal. The variations among programs ranged from 84.2 percent criminal in Duval to only 18.9 percent criminal in Pinellas. Cases classified as civil dominated in the Broward CDS program (70.2%) as well as in the Pinellas program (81.1%). The Dade and Orange CDS programs had more equal distributions of criminal and civil cases.

In the beginning, the CDS programs tended to place special emphasis on the general labeling of disputes as "criminal" or "civil". Experience has shown that more emphasis should be placed on specific dispute types because of the great variations found in the results of processing certain dispute types within and across the general classifications of "criminal" or "civil".

Table 2  
Dispute Types - General

Area Variable	Broward (191)	Dade (999)	Duval (273)	Orange (163)	Pinellas (820)	Total (2446)
Criminal	29.8%	48.3%	84.2%	42.3%	18.9%	40.6%
Civil	70.2	51.7	15.8	57.7	81.1	59.4

(2) Specific Types

As mentioned previously, analyzing individual dispute types will yield more useful information than merely examining general classification of disputes. As evidenced in Table 3, battery cases constituted the highest percentage (18.7%) of all cases examined in this study. By program, battery cases ranked number one in frequency in Dade, Duval and Orange counties and ranked as the second most prevalent dispute type in Broward. In the Duval CDS program, assault and battery cases combined comprised 52.4 percent of their total caseload. In contrast, these two categories made up only 9.2 percent of the caseload in the Pinellas program. Landlord/Tenant disputes comprise 31.1 percent of the Pinellas caseload and 15.7 percent of Broward's but less than five percent in Dade, Duval and Orange counties.

While the CDS programs have handled a wide variety of cases, the general concentration has been on only seven or eight specific dispute types. Over 70 percent of the total cases in Table 3 fell into the first seven categories.

Table 3  
Dispute Types - Specific

Area Variable	Broward (191)	Dade (998)	Duval (273)	Orange (163)	Pinellas (820)	Total (2445)
Battery	16.2%	23.8%	34.1%	23.3%	7.0%	18.7%
Landlord/Tenant	15.2	4.3	0.4	3.1	31.1	13.6
Neighborhood	15.7	9.1	6.6	20.2	12.7	11.3
Harassment	6.3	14.7	0.0	13.5	5.5	9.9
Recovery of Money/Property	11.0	7.8	0.4	14.7	13.0	9.5
Assault	3.1	12.8	18.3	4.9	2.2	8.6
Consumer	19.4	3.1	0.4	3.7	11.2	7.0
Domestic/Child Welfare	0.5	11.5	0.7	2.5	2.7	5.9
Animal Nuisance	3.7	3.3	10.6	4.9	5.0	4.8
Criminal Mischief	3.7	2.4	8.1	5.5	1.3	3.0
Larceny	0.0	1.8	4.4	0.6	0.9	1.6
Noise Nuisance	1.6	0.5	1.5	0.6	1.1	0.9
Trespass	0.5	0.2	1.1	0.6	0.5	0.4
Other	3.1	4.3	7.0	1.8	5.9	4.9

c. Nature of Complaint

The complainants most often went to the CDS program seeking one of these outcomes:

- Payment/Return of Money/Property (26.7%)
- Disengagement (25.3%)
- Alteration of Past Behavior (22.7%)

In fact, in 74.7 percent of all cases examined, the complainant sought one of these three outcomes. Table 4 shows that this basically holds true for every program. The Broward

program was the only one in which disengagement was not among the top three complaints. Repair/service of property (11.4%) ranked as the third most frequent complaint in Broward.

Table 4  
Nature of the Complaint

Area Variable	Broward (185)	Dade (971)	Duval (261)	Orange (162)	Pinellas (818)	Total (2397)
Payment/Return of Money/Property	38.4%	16.6%	13.8%	30.2%	39.5%	26.7%
Disengagement	7.6	38.2	37.2	20.4	11.4	25.3
Alteration of Past Behavior	27.0	21.6	31.8	30.9	18.6	22.7
Repair/Service of Property	11.4	2.5	0.4	1.2	10.0	5.4
Domestic/Child Welfare	1.1	10.0	0.8	1.9	2.2	5.1
Control of Animals	2.2	3.5	10.7	6.2	5.0	4.9
Maintenance of Property	2.2	1.8	0.4	3.1	2.9	2.1
Participate/Attend Designated Program	0.5	0.7	0.0	0.6	0.1	0.4
Other	9.7	5.1	5.0	5.6	10.4	7.3

d. Nature of the Disposition

Table 5 indicates that 56.1 percent of the total number of cases resulted in a hearing. Moreover, 80.7 percent of those resulted in an agreement. The total no-show rate was 27.6 percent and 68.8 percent of those were respondent no-shows. The Broward and Orange CDS programs exhibited the highest total no-show rates with 34.3 and 33.2 percent respectively. The Pinellas and Duval programs had the lowest cumulative no-show rates with 22.7 and 23.3 percent respectively. In Duval, 15.9 percent of the cases were disposed of by the disputants settling the dispute prior to the hearing. Only 1.2 percent of the Broward CDS cases were disposed of in this manner.

Table 5  
Nature of the Disposition

Area Variable	Broward (172)	Dade (951)	Duval (270)	Orange (163)	Pinellas (816)	Total (2372)
HEARING HELD	61.1%	55.0%	51.1%	54.6%	58.4%	56.1%
Agreement	50.6	44.1	45.9	43.6	45.8	45.3
No Agreement	10.5	10.9	5.2	11.0	12.6	10.8
NO-SHOWS	34.5	30.9	23.3	33.2	22.7	27.6
Complainant	2.3	4.7	7.4	5.5	2.9	4.3
Respondent	27.3	19.9	11.5	25.2	17.5	19.0
Both	4.7	6.3	4.4	2.5	2.3	4.3
SETTLED BEFORE HEARING	1.2	4.2	15.9	8.0	12.5	8.4
COMPLAINANT CANCELLED HEARING	0.0	3.6	6.3	1.8	4.2	3.7
OTHER	3.5	6.3	3.3	2.5	2.1	4.0

e. Nature of the Agreements

Agreements reached as a result of a CDS hearing often involve obligations on the part of the complainants as well as the respondents. Overall, 98 percent of the agreements reached involved some stipulation on the part of the respondents and a surprisingly high 64 percent involved some obligation on the part of the complainants. This fact appears to lend credence to a rudimentary component of the CDS concept, that most disputes involve more than total right or wrong on the part of one of the disputants and that more often a dispute involves degrees of responsibility on the part of both disputants and as such should be handled in a manner and form consistent with this premise.

Consequently, the nature of agreements were analyzed for both respondents and complainants.

(1) Nature of Respondent Agreements

Of the total number of agreements, respondents most frequently agreed to one of the following: disengagement (25.5%); alteration of past behavior (24.3%); or payment/return of money/property (18.0%). This generally held true between programs as evidenced by Table 6. The Dade and Duval programs

exhibited the highest percentages of disengagements among the five CDS programs (35.6% and 44.4% respectively). Interestingly, only 5.8 percent of the respondent agreements in Broward involved disengagement.

Table 6  
Nature of Respondent Agreements

Area Variable	Broward (86)	Dade (419)	Duval (124)	Orange (71)	Pinellas (371)	Total (1071)
Disengagement	5.8%	35.6%	44.4%	21.1%	13.2%	25.5%
Alteration of Past Behavior	33.7	26.5	20.2	29.6	19.9	24.3
Payment/Return of Money/Property	25.6	11.2	7.3	18.3	27.5	18.0
Control of Animals	1.2	4.5	10.5	7.0	6.7	5.9
Establish Cooperative Relationships	5.8	4.1	6.5	8.5	3.2	4.5
Repair/Service of Property	11.6	1.2	0.8	1.4	7.3	4.1
Domestic/Child Welfare	1.2	5.7	0.8	0.0	1.9	3.1
Maintenance of Property	3.5	2.1	0.0	2.8	3.5	2.5
Attend Designated Program	2.3	2.9	0.8	0.0	1.3	1.9
No Obligation Designated	4.7	1.0	1.6	1.4	2.4	1.9
Other	4.7	5.3	7.3	9.9	12.9	8.4

(2) Nature of Complainant Agreements

There were some basic differences in the nature of the agreements for complainants when compared with respondents. Table 7 shows that the greatest single agreement on the part of complainants was "no obligation" (35.2%). Predictably, "no

obligation" comprises a small percentage (1.9%) of the respondents' agreements. The Duval CDS program was the only one in which "no obligation" was not the most frequent agreement for complainants. In that program, "disengagement" (31.5%) and "not to pursue prosecution" (27.4%) preceded "no obligation" as the most frequent agreements. The second and third most frequent agreements were "disengagement" (19.9%) and "establish cooperative relationship" (13.9%).

Table 7  
Nature of Complainant Agreements

Area Variable	Broward (85)	Dade (419)	Duval (124)	Orange (71)	Pinellas (369)	Total (1068)
No Obligation	45.9%	34.4%	17.7%	32.4%	40.1%	35.2%
Disengagement	7.1	27.7	31.5	15.5	10.8	19.9
Establish Cooperative Relationships	15.3	13.6	12.1	19.7	13.3	13.9
Alteration of Past Behavior	4.7	11.2	7.3	2.8	8.4	8.7
Not Pursue Prosecution	5.9	1.2	27.4	7.0	4.9	6.3
Payment/Return of Money/Property	4.7	3.6	0.8	7.0	8.7	5.3
Not Pursue Civil Action	3.5	0.2	0.0	2.8	5.1	2.3
Attend Designated Programs	3.5	2.4	0.0	0.0	1.6	1.8
Maintenance of Property	1.2	0.2	0.8	2.8	0.3	0.6
Control of Animals	0.0	0.0	0.0	1.4	0.5	0.3
Other	8.2	5.5	2.4	7.0	5.4	5.4

## 2. Participant Characteristics

Along with the information collected relating to the characteristics of the CDS process, CDS participant characteristics including the nature of disputant relationships, types of disputants, disputant demographic information such as age, sex and ethnic background and disputant prior contacts with CDS and the court were documented. Each of these characteristics are described below.

Table 8  
Disputant Relationships

Area Variable	Broward (190)	Dade (976)	Duval (261)	Orange (159)	Pinellas (813)	Total (2399)
Neighbors	33.2%	17.4%	36.4%	33.3%	23.1%	23.7%
Landlord/Tenant	15.8	5.8	1.5	4.4	32.5	15.1
Husband/Wife	5.8	18.2	4.6	8.2	3.1	10.0
Male/Female Noncohabitating	3.7	12.8	19.5	13.8	3.4	9.7
Consumer/Business	24.2	4.1	0.8	5.7	15.6	9.3
Friends/ Noncohabitating	3.7	8.2	11.5	9.4	3.9	6.8
Divorced Spouses	1.1	9.4	5.7	5.0	2.3	5.7
M/F Cohabitating	3.7	9.9	2.7	1.3	2.2	5.5
No Relationship	5.8	4.3	6.1	6.9	4.6	4.9
Relatives	0.5	4.8	3.4	6.9	1.6	3.4
Employer/Employee	1.1	2.8	3.4	1.3	4.9	3.3
Friends Cohabitating	0.0	0.7	1.9	1.3	1.5	1.1
Other	1.6	1.4	2.2	2.5	1.2	1.6

### a. Nature of Disputant Relationships

As is indicated in Table 8, the three primary relationships which dominate the disputes coming to the CDS programs are neighbors, landlord/tenant, and husband/wife.

There is extensive variation among the five CDS programs in the nature of relationships. For example, in Duval, the primary disputant relationships are interpersonal family and non-family (e.g., husband/wife (4.6%), neighbors (36.4%), M/F cohabitating and noncohabitating (22.2%), divorced spouses (5.7%), relatives (3.4%) and friends noncohabitating (11.5%)). Whereas, in Pinellas county, civil temporary relationships such as landlord/tenant (32.5%) and consumer/business (15.6%) prevail as the dominant disputant relationship. Dade county has a large percentage of husband/wife (18.2%) and M/F personal noncohabitating (12.8%) while in Broward county, there is a relatively high percentage of consumer/business relationships (24.2%). Overall, however, it appears that neighbor relationships across the five programs is consistently the largest category of relationships.

b. Disputant Types

As indicated in Table 9, the large majority (88.3%) of the disputes handled by the five CDS programs involved complaints by an individual against an individual. Complaints initiated by a business comprise less than one percent of the total number of disputes in the study sample. There is some variation among the programs in complaints initiated by an individual against a business. It appears that Broward and Pinellas county CDS programs handle a substantially higher number of individual against business disputes than the other three programs. The Duval county CDS program is totally dominated by disputes among individuals (99.6%).

Table 9 (N=2439)  
Disputant Types

Variable Area	Individual v. Individual	Individual v. Business	Business v. Individual
Broward	76.6%	21.3%	0.5%
Dade	96.5	3.4	0.1
Duval	99.6	0.4	0.0
Orange	95.7	4.3	0.0
Pinellas	75.7	23.0	1.0
Total	88.3	11.1	0.4

c. Demographic Information

(1) Age

Table 10 reveals that, overall, there is little variance in the ages of the complainants and respondents (36.6 to 34.5 mean age respectively). It does appear that the 25-34 year old age group predominates for both complainants and respondents. There is, however, a considerable range of age groups taking advantage of the services offered by the five CDS programs.

Table 10  
Disputant Age

Variable Area	Complainants			Respondents		
	Mean	Median	Range	Mean	Median	Range
Broward*	N/A	N/A	N/A	N/A	N/A	N/A
Dade	39.6	30.4	10-97	33.6	31.7	16-81
Duval	33.5	30.0	17-77	33.0	30.3	18-74
Orange	38.8	34.4	16-82	38.2	34.5	18-76
Pinellas	42.3	36.8	9-92	38.8	35.1	18-93
Total	36.6	31.8	9-97	34.5	31.8	16-93

\*The ages of the disputants in Broward were not recorded

(2) Sex

Table 11  
Disputant Sex

Variable Area	Complainants (n=2244)		Respondents (n=1979)	
	Male	Female	Male	Female
Broward	51.5%	48.5%	72.4%	27.6%
Dade	31.2	68.8	74.2	25.8
Duval	33.5	66.5	67.9	32.1
Orange	37.4	62.6	74.1	25.9
Pinellas	48.0	52.0	66.5	33.5
Total	38.5	61.5	71.1	28.9

Table 11 reveals that, overall, there were significantly more female complainants than males and, consequently, more males who were respondents. The data goes on to indicate that approximately 50 percent of the disputes involve a complaint by a female against a male. Less than 15 percent of the disputes involved a complaint by a male against a female. This pattern is consistent throughout the five programs studied except that in Broward, the majority of the complainants were male.

(3) Ethnic Background

Table 12 indicates wide variation among the five programs in the composition of the ethnic background of the disputants. As was expected, the largest category of ethnic background in Dade was hispanic with no other program having more than four percent hispanic. Broward and Pinellas reflected a large group of white disputants, whereas, Duval's largest ethnic group was black.

The data also reveals that there are very few disputes (less than five percent) between inter-racial groups such as black against white or white against hispanic.

Table 12  
Disputant Ethnic Background

Variable Area	Complainants (n=2244)			Respondents (n=1979)		
	White	Black	Hispanic	White	Black	Hispanic
Broward	82.1%	14.3%	3.6%	85.2%	14.8%	0.0%
Dade	27.4	33.3	39.1	25.6	30.9	43.0
Duval	47.0	52.6	0.0	44.97	54.7	0.0
Orange	64.4	35.0	0.0	60.34	30.9	0.8
Pinellas	82.8	14.9	2.3	84.96	12.7	2.4
Total	52.3	32.1	15.3	48.9	33.0	17.8

d. Prior Involvement with CDS and the Court

It appears, from the information revealed in Table 13 that the individuals involved in disputes which were handled by CDS have little experience with either CDS or the court. About 75 percent of the complainants and 70 percent of the respondents had no previous direct involvement in a court case as a plaintiff or a defendant. Almost all of the disputants involved

with CDS were there for the first time. There is apparently little variation across the five programs as to disputant prior contacts with CDS or the court. It does appear that in Duval, about one-third of the CDS disputants had previous contact with the court. This percentage, especially for the complainants, is substantially higher than in the other programs.

Table 13  
Disputant Prior Contacts with CDS/Courts

Variable Area	Prior Contact w/CDS		Prior Contact w/Court	
	Complainant	Respondent	Complainant	Respondent
Broward	2.6%	5.2%	25.1%	34.4%
Dade	3.9	2.6	24.4	29.7
Duval	0.7	0.4	32.4	35.5
Orange	2.5	1.8	26.7	28.1
Pinellas	2.9	3.2	23.4	37.8
Total	3.0	2.7	25.1	30.1

B. Assessment of Performance of the CDS Process

In assessing the overall performance of the CDS process, one must first identify the criteria for making such an assessment. In this study, judgments as to the performance of the CDS process were based upon the level of achievement of the common goals and objectives relating to performance of the five CDS programs investigated. Such goals or objectives were categorized as follows:

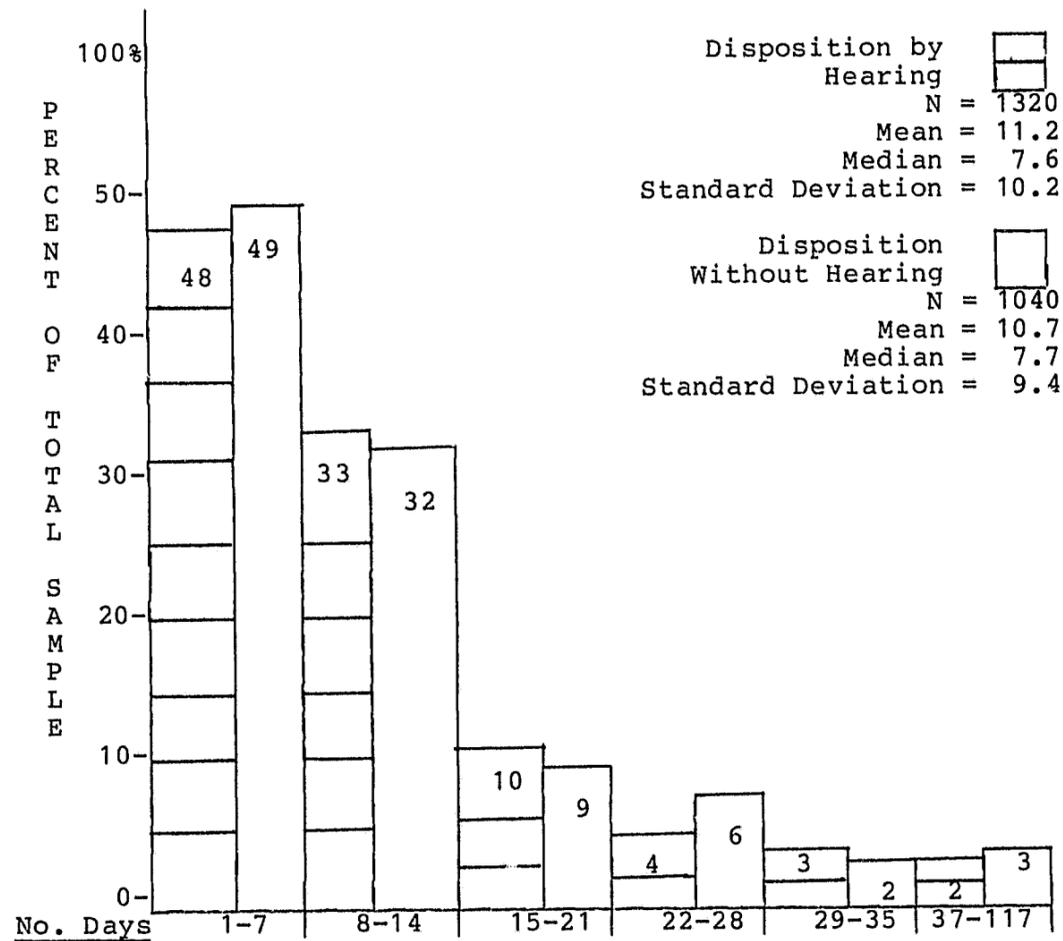
- The handling of certain disputes in a much shorter period of time than conventional processing mechanisms.
- Increased availability of and access to a forum for resolution of disputes which otherwise may not be resolved or even litigated.
- The improvement in the quality of the disposition of such disputes by addressing and eliminating the causes of the problem which instigated the dispute.

Documented below is a discussion of the performance of the CDS process in relation to the above stated goals. It is emphasized that the scope of this analysis is directed primarily at assessing the performance of the CDS process. Analysis directed at judging the impact of a CDS program on the system, as well as the community is provided in Section D. Furthermore, analysis of the effect of individual variables on the performance measures is provided in Section C.

1. Speedy Disposition of Disputes Handled Through the CDS Process.

FIGURE 1

Time Frame from Complaint to Disposition



The variable which most directly correlates to this objective is the time frame from complaint to disposition in the CDS process. From Figure 1, it is apparent that the vast majority (81%) of the disputes handled through the CDS process, as practiced by the 5 programs examined, are disposed of within 14 days of the date of the complaint. Furthermore, almost 50 percent were disposed of within 7 days. This data clearly indicates that disputes referred to a CDS program receive speedy and prompt attention.

2. Availability of and Access to a Forum for Resolution of Disputes

There are a number of variables that can be analyzed in attempting to assess the performance of the CDS process in achievement of this objective. Below is a discussion of the two major variables.

a. Access to Existing Dispute Resolution Mechanisms

Traditionally, interpersonal disputes evolving out of the relationship of the disputants have provided great difficulty to the court in disposing of such disputes. Often times, this is the result of limited personnel, facilities and budget, the inability to meet the minimum standards for rules of evidence and prosecutorial discretion in which cases are brought to trial. Table 14 indicates that a substantial portion of the CDS program workloads (66.9%) consists of interpersonal and neighborhood disputes. The same types of disputes that present problems to the court. Thus, this is evidence of a CDS program offering access to a group of disputants that has limited access to existing mechanisms for the resolution of their disputes.

To emphasize this, as one can see from Table 13, the individuals involved in the disputes which went to a CDS program had virtually no previous experience with that process, but between 25 and 30 percent had been involved as a plaintiff or defendant in a court case.

Table 15 shows that the CDS disputants, prior to coming to the CDS program, had had little contact with other system components except for law enforcement. Overall, this lack of significant contact with the major system components or with CDS reveals that the CDS process is, for the most part, providing dispute resolution services to a group of individuals that, prior to the development of the CDS program, were not availing themselves of any dispute resolution mechanism.

Table 14 (N=2384)  
 Comparison of Dispute Type and Disputant Relationship

Relationship Dispute	Interpersonal Family Relationship	Interpersonal Non-Family Relationship	Neighbors	Civil Temporary Relationship	No Relationship
Assault	25.3%	32.1%	10.6%	4.5%	4.9%
Battery	32.4	45.9	10.2	4.3	7.2
Animal Nuisance	0.0	0.0	96.6	2.5	0.8
Other Criminal	17.1	44.6	24.4	5.2	8.8
Landlord/Tenant	0.0	0.0	0.3	99.7	0.0
Neighborhood	0.4	0.4	99.2	0.0	0.0
Harassment	28.7	41.7	21.3	5.2	3.0
Recovery	9.5	30.6	4.1	39.6	16.2
Consumer	0.6	2.4	0.6	91.7	4.8
Domestic/ Child Welfare	83.3	16.7	0.0	0.0	0.0
Other Civil	22.0	8.5	1.7	62.7	5.1
Total	19.1	23.1	23.7	27.7	4.9

Table 15 (N = 314)  
Disputant Contacts with Criminal/Civil Justice System

Variable Agency	Contacted Prior To CDS Involvement	Did Not Contact Prior To CDS Involvement
Law Enforcement	51.6%	48.4%
State Attorney	23.9	76.1
Judge	5.7	94.3
Court Clerk	13.7	86.3
Other	15.6	84.4

b. Convenience of the CDS Process

Table 16  
Disputant Perceptions of Convenience of the CDS Process

Variable Area	Disputant Satisfaction With Time Set For Hearing		Disputant Satisfaction With Place Set For Hearing	
	Complainant	Respondent	Complainant	Respondent
Broward	92.3%	86.2%	88.5%	89.7%
Dade	94.2	84.4	92.0	87.7
Duval	97.1	81.8	90.0	93.8
Orange	95.7	86.4	100.0	87.0
Pinellas	96.7	74.4	98.3	88.0
Total	95.5	80.9	94.8	88.8
N	279	186	279	186

Another factor which is a measure of access to the CDS process is disputants perception about the convenience of the time set and place set for the hearing. Table 16 reveals that, overall, the disputants are extremely satisfied with the time and place of the hearing. Regarding the time, since almost all CDS hearings are scheduled for the evening hours, these results give substantial justification for continuing this practice. In looking closer at the results regarding disputant attitudes about the convenience of the hearing place, there appears to be no significant difference in the satisfaction of disputants

with the hearing place across the five programs. This is important in that, even though three of the five programs utilize branch hearing facilities, the level of satisfaction with the hearing place was not significantly higher than the rates of the disputants in the two programs that do not operate branch hearing facilities.

### 3. Improvement in the Quality of Dispositions of Disputes

Four factors which influence and are measures of the quality of dispositions made through the CDS process are the nature of the dispositions, the level of problem resolution as a result of the disposition, the disputants' satisfaction with the CDS process and the mediator's performance.

#### a. Nature of the Disposition

From Table 17, it is apparent that there is a funneling effect in the CDS process similar to the conventional court process. Of the total number of disputes received by the CDS programs, 43.8 percent resulted in the conduct of a hearing and an agreement was reached. (Refer to Table 5 for complete description of other dispositions.) It does appear that once the dispute reaches the hearing stage, there is a good chance that an agreement will be reached (over 80% of the hearings result in agreement.)

Table 17  
CDS Disposition by Process Stages

Variable Area	Disputes Received		Hearings Scheduled		Hearings Held		Agreement Reached	
	No.	%	No.	%	No.	%	No.	%
Broward	192	100.0	166	86.5	105	54.7	87	45.3
Dade	1,000	100.0	891	89.1	523	52.3	419	41.9
Duval	272	100.0	261	96.0	138	50.7	124	45.6
Orange	163	100.0	159	97.5	89	54.6	71	43.6
Pinellas	820	100.0	799	97.4	477	58.2	374	45.6
Total	2,448	100.0	2,276	93.0	1,332	54.4	1,075	43.8

#### b. Level of Problem Resolution

Taking this analysis one step further, the disputants were questioned six to twelve months after an agreement was reached through the CDS process as to the level of problem resolution resulting from their participation in the process. Table 18 reveals that 51.7 percent of the complainants and 69.3 percent of the respondents felt the problem was totally resolved.

In looking at the CDS process from the time a complaint is made to the ultimate resolution of the problem which instigated the complaint, approximately 23 percent of such disputes reached the point of being totally resolved in the opinion of the complainant because of participation in the CDS process. (See Figure 2 for complete flow of process).

The data also revealed that the perceptions of the disputants about the level of problem resolution changes over time. However, these changes are not significant.

#### c. Level of Disputant Satisfaction with the CDS Process

Along with assessment of the level of problem resolution, evaluating overall disputant satisfaction with the CDS process is an important measure of performance. From Table 19, it appears that the disputants were slightly more satisfied with their participation in the CDS process than felt that the problem was resolved. (52.1% of the complainants and 63.2% of the respondents were satisfied with their participation in the CDS process.)

Overall, 75 percent of the complainants and 88 percent of the respondents who were satisfied with their experience with the CDS process also felt the problem was resolved. Finally, there appears to be a slight trend towards the disputants becoming less satisfied with the CDS process over time.

#### d. Level of Satisfaction with the Mediator's Performance

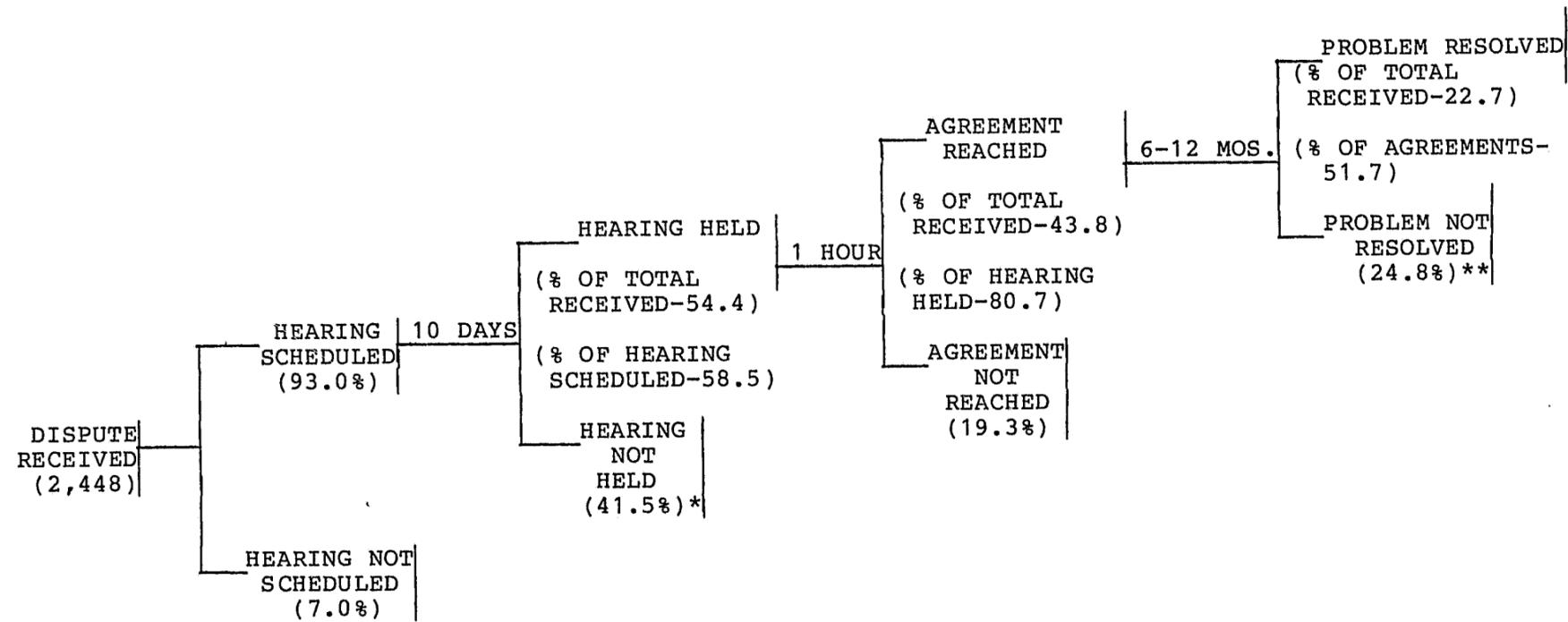
Aside from an assessment of disputant satisfaction with the CDS process, the level of disputant satisfaction with the actions of the mediator was also analyzed.

The major finding resulting from the data contained in Table 20 is the positive nature of the perceptions of the disputants about the mediators. It does appear that the mediators in the five programs examined are being very successful in conveying themselves in a positive manner to the disputants. Significantly, the data shows that these positive perceptions of the mediators' performance appear to influence directly the disputants satisfaction with the CDS process and their feelings about the level of problem resolution.

Table 18  
Disputant Perception of Extent Problems Resolved

Variable Area	Problem Resolved		Problem Partially Resolved		Problem Still Exists	
	Complainant (N=290)	Respondent (N=215)	Complainant (N=290)	Respondent (N=215)	Complainant (N=290)	Respondent (N=215)
Broward	52.0%	78.6%	20.0%	10.7%	28.0%	10.7%
Dade	55.1	61.7	24.7	16.7	20.2	21.7
Duval	29.0	70.0	41.9	13.3	29.0	16.7
Orange	54.2	80.0	12.5	10.0	33.3	10.0
Pinellas	54.5	68.8	20.7	13.0	24.8	18.2
Total	51.7	69.3	23.4	13.5	24.8	17.2

FIGURE 2  
CDS Disposition Flow



\* Included in this percentage are all those cases (approx 13.9%) in which the parties reached an agreement prior to the scheduled hearing.

\*\*In the remaining 23.5 percent of the cases the complainants felt that the problem was partially resolved.

Table 19  
Disputant Satisfaction with CDS Process

Variable Area	Satisfied		Partially Satisfied		Unsatisfied	
	Complainant (N=311)	Respondent (N=212)	Complainant (N=311)	Respondent (N=212)	Complainant (N=311)	Respondent (N=212)
Broward	40.7%	57.1%	29.6%	25.0%	29.6%	17.9%
Dade	57.8	71.9	27.8	15.8	14.4	12.3
Duval	50.0	67.7	23.5	22.6	26.5	9.7
Orange	52.0	71.4	24.0	9.5	24.0	19.0
Pinellas	51.2	54.7	27.2	21.3	21.6	24.0
Total	52.1	63.2	26.9	19.3	20.9	17.5

Table 20  
Evaluation of Mediator

DISPUTANTS PERFORMANCE MEASURES	COMPLAINANT	RESPONDENT
Was Impartial	88.8%	92.1%
Focused on the Issues	86.6	90.6
Encouraged Parties to Settle	89.5	92.4
Was Well Prepared	81.6	84.2
Was Courteous and Respectful	96.5	96.9
Was Patient	93.6	94.1
Was Understanding	97.7	88.9
Was Helpful	82.9	85.8

C. Assessment of the Effect of Specified Variables on the Performance Measures of the CDS Process

This section of the report will attempt to explain various occurrences within the CDS process and the results obtained from the utilization of this type of resolution technique. The ultimate objective is to use the data to gain some degree of understanding as to why certain phenomena are present in order to enable sound suggestions concerning the operations of CDS programs. The basic premise built upon in this section is that only by presenting a valid analysis of the information collected, will recommendations ensue with a level of credibility sufficient to provide aid to new and existing CDS programs.

The following issues will be dealt with in some detail:

- Determining the factors relating to why individuals fail to appear for hearings
- Explaining why agreements are reached between disputing parties in some hearings, while others fail to reach agreements

- Delineating the factors which have an impact on the opinions participants have in regard to the competence and effectiveness of the mediator
- Discovering why participants vary in their degree of satisfaction with the CDS process
- Detailing why participants perceived various degrees of problem resolution six to twelve months after an agreement is reached between the parties in the mediation hearing

1. Factors Relating to Why CDS Participants Fail to Appear for Hearings

The existence of a need to improve the rate of participant appearance at mediation hearings was evidenced in Table 5 which revealed an overall no-show rate of 27.6 percent. One avenue to determine how CDS programs can encourage individuals to appear for hearings is to pinpoint factors which seem to cause variations in the no-show rates. This section will examine the effect of the following variables on no-show rates:

- Type of CDS Program
- Case Origination
- General Type of Dispute
- Specific Type of Dispute
- Nature of Disputant Relationship
- Nature of Complaint

Examining variations in the no-show rate across the five CDS programs studied revealed that three programs -- Broward, Dade, and Orange -- had very similar no-show rates (34.3%, 30.9%, and 33.2%, respectively), while the Duval and Pinellas programs had lower rates of non-attendance (23.3% and 22.7%, respectively). The non-existence of any common element in terms of structure, program control, or operating procedures of the two programs with the lowest no-show rates precludes any explanation as to why these variations were found. Insight into the differences in no-show rates across programs may ultimately be found in variations in the existence of other factors which effect no-show rates across programs.

a. Case Origination

Examining the no-show rates within each category of case origination revealed that the following referral sources facilitated the lowest no-show rates:

- Judge (14.3% no-shows)
- City Hall (27.9%)
- Law Enforcement (29.8%)
- Legal Aid (31.3%)
- State Attorney (32.9%)\*

Sources of cases which have a less positive effect on appearance rates were found to include:

- News Media (52.6% no-show)
- Clerk of Court (39.5%)
- Other Governmental Agency (37.2%)
- Walk-In (36.0%)
- Consumer Protection Agency (34.2%)

This data seems to indicate that agencies or individuals directly related to the criminal/civil justice system possess ingredients which encourage individuals to appear for scheduled mediation hearings. It is particularly interesting that referrals from the judge almost always result in a mediation hearing and this is the individual who assumes the greatest degree of authority and legitimacy in the judicial system. This general trend suggests the importance of gaining and retaining rapport with these key criminal justice personnel in order to obtain cases from referral sources which will facilitate more frequent appearances at hearings.

b. Dispute Types

The data also revealed that although the no-show rates did not vary substantially within the general categories of criminal and civil disputes (31.9% and 33.7%, respectively), there were wide variations across the categories of specific type of disputes. The following types of conflicts had the

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\*The criteria used throughout the analysis to clarify various categories of relevant variables as positive/high or negative/low, was whether the percentage of cases falling in the categories were greater or less than the overall percentage of cases being positive or negative. To clarify, the overall percentage of cases which failed to show for hearings was 32.9 percent for cases which had valid data on the case origination item. Thus, categories of case origination which had percentages of disputants who failed to appear for hearings of less than 32.9 percent were considered low in the no-show rate.

lowest likelihood of disputants not showing for hearings:

- Noise Nuisance (5.9% no-shows)
- Animal Nuisance (21.3%)
- Neighborhood (23.1%)
- Battery (32.1%)
- Assault (32.7%)

The specific types of disputes which fared less well in terms of appearance rates include:

- Larceny (53.3% no-show)
- Recovery (41.5%)
- Landlord/Tenant (35.3%)
- Domestic/Child Welfare (35.0%)
- Consumer (33.6%)
- Harassment (33.5%)

It is interesting to note that if one considers these findings in terms of the types of disputes which are at the extreme of no-show rates, there is a consistency in the nature of the complaints which fall at each end of this evaluative continuum. Disputes which result in very low (in a relative sense) no-show rates have the common dimension of being relatively minor problems between neighbors which generally involve some sort of nuisance problem - these include noise nuisance, animal nuisance and neighborhood problems. Contrastly, the types of disputes which have a lower likelihood of at least having the chance to be resolved via the mediation process, involve monetary or material components, i.e., larceny, and recovery of money/property. The reasons behind this occurrence may be attributable to disputants who have difficulties over money and/or property being less optimistic as to a successful outcome in a mediation process which has no binding force. Analysis, to be presented later, will reveal this as a false assumption, suggesting CDS program personnel might facilitate more frequent attendance if they attempt to educate participants in terms of the success of mediation hearings dealing with problems stemming from pecuniary or property difficulties.

#### c. Disputant Relationships

Further insight into the possible reasons why disputants fail to appear for scheduled hearings is available by comparing the rates of appearance across categories of the type of

relationship existing between disputing parties. The following relationships appear to have characteristics which encouraged complainants and/or respondents to appear for hearings:

- Neighbors (23.5% no-show rate)
- No Relation (27.3%)
- Divorced Spouses (32.5%)
- Male/Female Personal Non-Cohabiting (33.0%)
- Friends Casual Non-Cohabiting (34.3%)
- Landlord/Tenant (35.8%)

Disputants with the following relationship were found to have the highest no-show rates:

- Friends Casual Cohabiting (45.0% no-show)
- Male/Female Personal Cohabiting (44.4%)
- Employees (39.7%)
- Husband/Wife (38.9%)
- Relatives (37.9%)
- Business/Consumer (37.1%)

One interesting conclusion that can be drawn from the data is that disputants who were living together are the least likely to appear for mediation hearings. In fact, none of the relationship categories which were grouped into the more successful cases in terms of no-show rates involved cohabitating disputants, and three categories involving cohabitating of disputants were seen to have among the lowest probability of appearance - i.e., male/female personal cohabitating, husband/wife and friends casual cohabitating. This fact coupled with the lack of any consistency in the no-show rate in terms of the degree of emotional involvement of the parties suggests that intake counselors must place special emphasis on encouraging parties who are living together to appear for the scheduled hearings.

#### d. Nature of the Complaint

The last factor to be examined in relation to the no-show rate is the nature of the complaint. The actions most often sought from respondents by the complainants which are related to a lower likelihood of disputant no-show at mediation hearings include:

- Seek Maintenance of Property (19.0% no-show)
- Seek Control of Animals (21.3%)
- Seek Alteration of Past Behavior (25.4%)
- Seek Repair/Service of Property (31.3%)

Complaints found to be conducive to low appearance rates included:

- Seek Payment of Money (39.2% no-show)
- Domestic/Child Welfare (35.0%)
- Seek Disengagement (34.5%)

These findings are consistent with those obtained on the no-show rates across different categories of types of relationships in that the type of complaint expressed is a function of the nature of the disputant's relationship. For example, neighborhood relations were conducive to participants appearing for hearings and the type of complaints which generally result from this type of relationship were low in no-show rates, i.e., seek maintenance of property, seek control of animals, etc.

## 2. The Effect Various Factors Have on the Likelihood of Disputants Reaching an Agreement in a Mediation Hearing.

In a fashion similar to the previous analysis pertaining to no-show rates, this section will attempt to reveal how the data can provide insight concerning why the mediation process sometimes fails to result in a settlement between the disputing parties. Again, the goal is to discover variations in the agreement rates across various categories of factors which have been assessed as potentially influential. These factors are equivalent to those analyzed in relation to no-show rates.

The agreement rates within each of the five CDS programs were found to be stable with the exception of one program. The Duval county program had a higher agreement rate than the remaining programs (89.9% agreements compared to percentages ranging from 78.4% to 82.9% for other programs). One might speculate that this positive aberration in the Duval program is a result of the fact that this program is operated by, and within, the state attorney's office. Based on further evidence to be presented in this section, though, this explanation may not be warranted. It will be documented that the types of disputes handled by the state attorney operated program i.e., assaults, batteries, etc. - are those which result in the greatest proportion of agreements.

## a. Case Origination

The impact of where cases originate, revealed that the following referral sources facilitated the highest agreement rates:

- News Media (88.9% agreements)
- State Attorney (83.9%)
- Judge (83.3%)
- Law Enforcement (83.0%)
- Legal Aid (80.4%)

The lowest agreement rates were associated with the following referral sources:

- Consumer Protection Agency (52.0% agreements)
- Clerk of the Court (64.3%)
- Private Attorney (68.4%)
- Other Governmental Agency (73.5%)
- City Hall (77.5%)
- Walk-In (77.5%)

These findings again point out the value of programs seeking referrals from agencies and individuals directly related to the criminal justice system. It can be seen that three of the four categories with the highest agreement rates are intimately aligned with the criminal justice system (it should be noted that the high percentage of agreements among cases referred by the news media should be considered cautiously due to the small number (18) of cases involved).

## b. Dispute Types

In terms of the type of dispute occurring between the parties, it was found that criminal disputes were more likely to be resolved within the mediation hearing than were disputes of a civil nature. Settlements were obtained in 86.9 percent of the criminal disputes versus only 76.3 percent in civil disputes. Interestingly, the agreement rates within specific types of disputes reveal that the probability of success within the mediation hearing is more contingent upon the specific elements present in the disputes, not whether the behavior precipitating the problem were violations of a criminal or civil statute. The following types of disputes were found to

have the greatest likelihood of being successfully mediated:

- Assault (91.0% agreements)
- Animal Nuisance (90.5%)
- Neighborhood (87.4%)
- Battery (85.8%)
- Harassment (83.2%)
- Noise Nuisance (81.3%)

In contrast, the types of disputes less successfully mediated include:

- Domestic/Child Welfare (64.5% agreements)
- Recovery of Money/Property (70.0%)
- Landlord/Tenant (70.7%)
- Larceny (71.4%)
- Consumer (71.3%)
- Criminal Mischief (76.3%)

The most consistent, and possibly the most meaningful, finding here is that disputes involving money and/or property are less likely to be resolved in the mediation hearing than are disputes which possess the common element of stemming from interpersonal conflicts. Although not all of the domestic/child welfare disputes originate from monetary problems, they are common to money/property problems in terms of child custody, support and visitation rights. In addition, many of the landlord/tenant disputes originated from a pecuniary problem. It appears that complainants have a more difficult time, during the CDS mediation hearing, convincing respondents to return money and/or property than they do persuading respondents to cease infringing on their rights as an individual or harming them in some manner. This evidence suggests the need for mediators to be cognizant of the difficulties inherent in mediating disputes involving money/property and that special training to deal with these forms of disputes may be necessary. A final interesting observation is that there is a reasonably consistent trend in that the types of disputes which are less likely to even receive the opportunity for mediation (i.e., high no-show rates) also have a lower probability of being successfully mediated. This consistency in subpar appearance and agreement rates vividly signifies the urgency for CDS personnel to utilize the skills and techniques required to encourage

in property or money disputes to attend scheduled hearings and reach mutually beneficial agreements.

#### c. Disputant Relationships

The types of relationships existing between disputants were also perceived as a potentially influential factor in relation to the probability of an agreement being reached in a mediation hearing. The types of relationships found to possess the greatest potential for being successfully mediated include:

- Male/Female Personal Cohabiting (91.7% agreements)
- Male/Female Personal Non-Cohabiting (89.2%)
- Husband/Wife (87.3%)
- Neighbors (86.1%)
- Divorced Spouses (81.0%)
- Relatives (80.5%)

The types of relationships found to contain elements which reduce the probability of successful agreements in the mediation setting include:

- Friends Casual Cohabiting (63.6%)
- No Relationship (68.1%)
- Landlord/Tenant (71.8%)
- Business/Consumer (72.4%)
- Friends Casual Non-Cohabiting (74.5%)
- Employees (77.1%)

It is particularly interesting that the element of a relatively high degree of emotional ties existed, or did exist at some recent time, in all of the types of relationship categories which have a greater likelihood of resolving differences in the mediation process - an exception of this was neighbors. In contrast, those types of relationships found to be less conducive to short-term resolution failed to possess the component of emotional involvement. It can be assumed that a primary reason for this trend in the data is that disputants who do not have strong emotional bonds tend to be involved in disputes which arise from monetary or property problems. Irregardless of the underlying explanation of these findings,

they certainly highlight the need for CDS personnel to be aware of the difficulties encountered when dealing with disputants of this nature and to utilize the necessary skills and techniques to counteract these obstacles to successful resolution of the problems.

d. Nature of Complaint

A final factor of interest in relation to the probability of achieving a successful resolution in the mediation hearing is the nature of the complainant's complaint. Those actions sought by the complainant found to have the greatest success include:

- Seek Maintenance of Property (91.2% agreements)
- Seek Control of Animals (89.2%)
- Seek Disengagement (87.9%)
- Seek Alteration of Past Behaviors (86.4%)

The types of complaints less likely to be resolved include:

- Domestic/Child Welfare (63.1% agreements)
- Seek Payment/Return of Money/Property (69.3%)
- Seek Repair/Service of Property (73.5%)

These results are particularly interesting in relation to the success of different types of complaints as measured earlier by appearance rates. The two types which involve participants who are less likely to appear at the mediation hearing - Domestic/Child Welfare and Payment/Return of Money/Property - are the same complaints which have the lowest probability of being successfully mediated.

3. Explanation of Participant's Evaluation of Mediator Performance

This section of the explanatory analysis will explore factors which have the potential of influencing the opinions complainants and respondents have of the mediator's performance. The presence of generally positive evaluations on the part of both respondent and complainant was described in Section B. This desirable finding precludes analysis of the effect of many of the variables measured in the research study because of the low frequency of negative opinions. The measure of mediator evaluations, used in the cross-tabulations to be described, was based on the evaluation scale. The scale was

dichotomized into high and low categories by placing disputants with scores above the median scale value into the high category (N=218) and those below the median in the low category (N=80).

Some insight into why some variations in mediator evaluation were found was made possible by grouping categories of various factors which have common characteristics into new classifications. This type of analysis enabled an examination of the following factors on the evaluation of the mediator:

- Type of CDS Program
- Type of Dispute
- Relationship of Disputants
- Type of Agreement

a. Type of Program

Although a significant relationship was not found between the various CDS programs and level of mediator evaluation, there are some interesting variations across programs. The following depicts the percentage of complainants which expressed positive attitudes toward the mediator's performance:

- Dade (79.8% positive)
- Orange (75.0%)
- Pinellas (73.0%)
- Duval (67.6%)
- Broward (53.6%)

Categorizing the programs as to whether they utilized paid mediators (Dade and Pinellas) or volunteers (Orange, Duval, and Broward) revealed that the CDS participants tended to be slightly more satisfied with paid mediator's performance. (Paid - 75.7% positive, Volunteers - 65.6% positive). This trend was not found in the case of respondent's evaluation of the mediator (Paid - 75.0% positive, Volunteers - 73.9% positive).

b. Dispute Type

The type of dispute occurring between disputants was grouped into the following four classifications and were found to influence the probability of a positive mediator evaluation. (Personal disputes include: assault, battery, harassment, domestic/child welfare. Property disputes include: landlord/tenant, recovery, consumer, criminal mischief, larceny, and trespass. Public Order disputes include animal nuisance and noise nuisance).

- Personal (81.3% positive)
- Property (73.7%)
- Public Order (70.5%)
- Neighborhood (59.4%)

The same general trend was found in relation to the respondent's evaluation of the mediator but not to the same degree.

#### c. Disputant Relationships

The disputant relationship was found not to be related to the complainant's evaluation of the mediator when the relationship factor was grouped into three categories - interpersonal family (74.3% positive), interpersonal non-family (74.3% positive), and civil temporary (75.4% positive). Interpersonal Family included: husband/wife, divorced spouses, relatives. Interpersonal non-family included the categories: neighborhood, male/female personal cohabitating, friends casual cohabitating, male/female personal non-cohabitating, and friend/other. Civil Temporary include: landlord/tenant, employer/employees, and business/consumer.

#### d. Types of Agreements

In order to analyze the effect the disputant agreements have on the evaluation of the mediator, the types of agreements were grouped into two categories - specific corrective action and general behavioral modification. General behavior modification agreements include alteration of past behavior and establishment of cooperative relationships. Agreements defined as specific corrective action include the remaining types. It was found that complainants considered the mediator to be more competent and effective when the respondent agreed to a specific behavior to resolve the dispute (Specific - 76.7% positive, General - 65.6% positive). In contrast, the respondents had a more negative evaluation of the mediator when their agreement was of a specific nature (Specific - 74.4% positive and General - 79.5% positive).

#### 4. Explanation of Varying Degrees of Participant Satisfaction With the CDS Process.

Although the ultimate goal of any CDS program is to assist disputants in their pursuit of arriving at a long-term solution to their problems, it is desirable to foster feelings and attitudes of a positive nature on the part of participants towards the CDS process. Engendering negative feelings towards this form of dispute resolution will only reduce the likelihood of participants returning to a CDS program for aid and will precipitate community attitudes toward CDS not conducive to

disputant satisfaction. Only by exposing the precipitating factors of dissatisfaction can logically based assistance be given to existing CDS personnel and to those implementing new CDS programs.

The format used for examining which factors were most influential on the level of satisfaction was to first discern which factors appeared to have the most impact. Second, when conceptually feasible and deemed relevant for explanation, categories within variables were collapsed into meaningful groups for further analysis to illuminate on what characteristics of the variable accounted for variations in levels of participant satisfaction.

Lastly, variations in satisfaction rates were examined within categories of the causal variables to explain, in more detail, why they were affecting the satisfaction rates.

The first set of factors examined in relation to satisfaction levels include:

- The CDS Program
- General Type of Dispute
- Specific Type of Disputants
- Relationship of Disputants
- Nature of Complaint
- Complainant's Agreement
- Respondent's Agreement

Examining the correlation between each of these factors and the level of participant satisfaction reveals they have minor impact on the respondent's satisfaction with the CDS process. In contrast, the following variables were found to explain the level of complainant satisfaction:

- Case Origination
- Specific Type of Dispute
- Relationship of Disputants
- Nature of Complaint
- Respondent's Agreement

#### a. Case Origination

Performing more detailed analysis of the effect of case

origination by determining the percentage of complainants satisfied within each category, it was found that participants referred by the following agencies or individuals were more satisfied with the CDS process:

- Judge (77.8% satisfied)
- State Attorney (58.0%)
- Law Enforcement (56.7%)

Referral sources with lower rates of satisfied complainants include:

- City Hall (33.3% satisfied)
- Legal Aid (33.3%)
- Walk-In (41.7%)
- News Media (42.9%)
- Clerk of Court (44.4%)
- Other Governmental Agency (45.5%)

These results provide additional support to the argument for CDS programs to gain good working relationships with personnel directly attached to the criminal justice system. Specifically, it was found that those individuals with the most intimate tie to the legal/law enforcement system referred disputes involving parties who were most likely to be satisfied with the CDS process.

#### b. Dispute Types

Due to the general explanatory power of the specific type of dispute on the complainants satisfaction level it would be useful to depict which types of disputes are most likely to result in satisfied complainants. Such disputes include:

- Harassment (75.0% satisfied)
- Recovery (70.6%)
- Criminal Mischief (65.3%)
- Assault (63.6%)
- Battery (60.9%)

The types of disputes with less probability of resulting in satisfied complainants include:

- Domestic/Child Welfare (27.3% satisfied)
- Neighborhood (38.8%)
- Landlord/Tenant (51.5%)
- Consumer (52.6%)

These results fail to reveal any obvious trend in terms of those specific types of disputes found to be extremely high or very low in satisfaction levels having similar characteristics. The satisfaction levels within some of the specific types of disputes are interesting to note in relation to the previous analysis dealing with no-show and agreement rates. It is noteworthy that disputants involved in recovery problems were very unlikely to appear for the mediation hearing or reach an agreement if a hearing was held and yet they tended to be satisfied with the CDS process. It was also evident that landlord/tenant and domestic/child welfare problems were consistently low relative to other types of disputes in terms of appearance rates, agreement rates, and the likelihood of being satisfied. Lastly, the fact that neighborhood disputes did not fair well in relation to satisfaction rates and yet comprised 11.3 percent (the third most prevalent) of all the disputes examined, suggests this type of problem must be focused upon by CDS personnel and changes in the procedures used in dealing with these disputes might be considered.

#### c. Disputant Relationship

The correlation between complainants satisfaction level and the type of relationship between disputants was evidence of this factor's impact and the need to examine the influence in more detail. The following types of relationships were found to be related to a high level of satisfaction:

- Friends Casual Non-Cohabiting (78.9% satisfied)
- Male/Female Personal Non-Cohabiting (73.3%)
- No Relationship (64.3%)
- Business Consumer (56.5%)

The level of satisfaction was lower in disputes involving the following types of relationships:

- Divorced Spouses (27.3% satisfied)
- Neighbors (44.1%)
- Husband/Wife (50.0%)

- Landlord/Tenant (51.4%)

Although the factor of disputant relationship has an overall effect on the level of complainant satisfaction, this more detailed analysis fails to provide any meaningful insight into what component (e.g., personal or living arrangements) is accounting for the influence. This statement is further substantiated when comparing the resolution rates within groups of relationship categories formed based on the conceptual similarity of the types of relationships. There were only minor variations in the satisfaction levels of the following groups:

- Interpersonal Family (50.0% satisfied)
- Interpersonal Non-family (50.3%)
- Civil (54.8%)

The next factor found to explain why complainants are satisfied with the CDS process is the nature of complaint. When complainants sought the following actions on the part of the respondents, they tended to be more satisfied:

- Disengagement (69.8% satisfied)
- Payment/Return of Money/Property (58.5%)
- Control of Animals (52.6%)

In contrast, the CDS process was less successful in producing satisfied complainants when they made the following types of complaints:

- Domestic/Child Welfare (30.0% satisfied)
- Repair/Service of Property (35.7%)
- Maintenance of Property (44.4%)
- Alteration of Past Behavior (46.9%)

In regard to these results, it is noteworthy that when complainants were seeking the payment/return of money/property, they were not likely (in a relative sense) to appear for hearings or to reach a settlement with the respondent if they did appear, yet, they were quite satisfied if an agreement was reached. In contrast, complainants requesting the maintenance of property were likely to appear at the scheduled hearing and resolve the problem, but were not ultimately satisfied with the CDS process.

e. Nature of Agreements

The nature of the respondent's agreement reached in the

mediation hearing was also found to influence how satisfied the complainants were with the CDS process. The following commitments on the part of respondents were found to bring about the highest level of complainant satisfaction:

- Disengagement (62.1% satisfied)
- Control of Animals (60.0%)
- Return/Payment of Designated Money/Property (57.7%)

The type of respondent agreements less likely to produce positive results in terms of the level of complainant satisfaction include:

- Domestic/Child Welfare (27.3% satisfied)
- Maintenance of Property (29.4%)
- Make Designated Repairs (36.4%)
- Establish Cooperative Relationship (42.1%)
- Alteration of Past Behaviors (43.9%)

These categories of respondent agreements were grouped into two classifications based on whether they were of a specific or general nature in terms of the commitment on the part of the respondent. This analysis revealed that complainants were more likely to be satisfied with the CDS process if the agreement was of a specific nature (General - 42.6% satisfied versus 55.9% for specific agreements).

f. Other Factors

The second set of factors deemed relevant to consider as explanatory variables in relation to the level of satisfaction include:

- Evaluation of the Mediator
- Time Frame from Complaint to Disposition

The evaluation of the mediators performance by the disputants was found to have a dramatic impact on their satisfaction with the CDS process. Specifically, as the disputants opinion of the mediators performance becomes more positive, their level of satisfaction increases concomitantly. This finding underscores the need to recruit and train mediators in the most optimal manner possible.

In contrast to the substantial effect of the mediator on satisfaction levels, the time lapse between complaint and

disposition was found to have a minimal negative effect. Although relationships are not substantial or statistically significant, it is interesting that the more satisfied complainants and respondents were slightly more likely to have had the problem dealt with more quickly.

5. Influence of Various Factors on the Likelihood of Long Term Problem Resolution

Probably the most important goal of any dispute resolution program is to aid disputants in their attempt to find meaningful, long-term resolutions to the problems they encounter with one another. Therefore, it is considered essential to measure the impact of various factors on the level of problem resolution as it is perceived by participants some time after the dispute is resolved through the mediation process. The format of examining which factors were most influential on the level of long-term problem resolution is analogous to the method employed in the previous sections.\*

The first set of factors examined in relation to resolution rates includes:

- The CDS Program
- Case Origination
- General Type of Dispute
- Specific Type of Dispute
- Relationship of Disputants
- Nature of Complaint
- Complainant's Agreement
- Respondent's Agreement

a. Dispute Type

It would be useful to examine these factors in more detail by viewing the variations in resolution rates across the categories of each variable. Within different types of disputes, it was found that the types which were most likely to be resolved included:

- Landlord/Tenant (72.7% totally resolved)

\*It should be noted that the three original categories of problem resolution - totally resolved, partially resolved, and problem still exists - were collapsed into two categories.

- Harassment (70.8%)
- Recovery of Money/Property (70.6%)
- Battery (56.1%)
- Assault (52.4%)

Disputes which were less likely to be resolved included:

- Domestic/Child Welfare (27.3% totally resolved)
- Neighborhood (36.9%)
- Animal Nuisance (45.9%)
- Consumer (47.2%)

To provide further insight into the types of disputes which are more likely to be ultimately resolved for complainants, the types of disputes were placed into four categories - personal, property, neighborhood, and public order. The data indicates that property disputes are the most likely to be totally resolved on a long-term basis with neighborhood disputes having the least likelihood of being settled. The rate of successful resolution within these categories of type of dispute were as follows:

- Property (64.9% totally resolved)
- Personal (55.7%)
- Public Order (43.2%)
- Neighborhood (36.9%)

These results are interesting in that public order and neighborhood type disputes also resulted in the least satisfied complainants and those with the most negative opinions of the mediator's effectiveness. In addition, although complainants were most likely to be satisfied and harbor positive attitudes toward the mediator's ability, if they were involved in personal disputes, they were not the most likely to perceive the problem as totally resolved six to twelve months following the mediation hearing.

b. Disputant Relationships

Due to the existence of an overall effect of the type of relationship between disputants on the level of problem resolution, it is relevant to examine the likelihood of problem resolution within each type of relationship. This analysis revealed that those types of relationships which resulted in

the greatest percentage of resolved disputes included:

- Male/Female Personal Non-Cohabiting (76.9% totally resolved)
- No Relationship (76.9%)
- Landlord/Tenant (71.4%)
- Relatives (66.7%)
- Business Consumer (52.2%)

The types of disputes found not to be conducive to long-term resolutions included:

- Divorced Spouses (36.4% totally resolved)
- Husband/Wife (40.9%)
- Neighbors (41.9%)
- Male/Female Personal Cohabiting (50.0%)

To further illuminate on the effect disputant relationships have on the probability of problem resolution, the former variable was grouped into three general categories- interpersonal family, interpersonal non-family, and civil temporary. It was found that as the level of formal and emotional involvement decreased, the likelihood of a long-term solution to the problem increased. Analysis revealed that 64.5 percent of the "civil temporary" cases were adequately resolved, while 46.3 percent of the disputes involving "interpersonal non-family" cases were adequately resolved, and 43.6 percent of the disputes involving "interpersonal family" relationships resulted in longterm resolutions.

#### c. Nature of Complaint

Due to the obtained correlation between the nature of the complainants' complaint and the likelihood of problem resolution, it is of interest to examine this factor's effect in more detail. The data reveals that when the complainant sought the following things, he was more likely to achieve the desired end:

- Payment/Return of Money/Property (69.8% totally resolved)
- Disengagement
- Maintenance of Property (61.1%)

The probability of problem resolution was less for the following types of complaints:

- Domestic/Child Welfare (30.0% totally resolved)
- Repair Service of Property (33.3%)
- Alteration of Past Behavior (41.9%)
- Control of Animals (42.1%)

These results are interesting in that when complainants sought material or monetary items, they were the most likely to perceive the problem was totally resolved six to twelve months later. Also, consistent with the inability of CDS to successfully deal with domestic/child welfare problems, these types of complaints were the least likely to result in total resolution over a long period of time.

#### d. Nature of Agreement

The nature of the respondent's agreement was also found to influence whether or not the problem was totally resolved. Examining the cross-tabulations between complainant's perception of the level of problem resolution and what the respondent agreed to do, or not to do, to resolve their differences, the following agreements were found to possess the greatest likelihood of resolving the problem:

- Payment/Return of Money/Property (74.1% totally resolved)
- Disengagement (61.3%)
- Maintenance of Property (50.0%)

The types of agreements which had a lower likelihood of success were:

- Make Designated Repairs (16.7% totally resolved)
- Establish Cooperative Relationships (38.9%)
- Control Animals (42.4%)
- Alter Past Behavior (45.3%)

Due to the potential impact the specificity of agreements may have on the long-range resolution rate, the categories of respondent and complainant agreements were collapsed into

groups of "general" and "specific" types of agreements. When evaluating the respondent's agreement in relation to the disputant's perception of problem resolution, it was found that the specificity of the agreements had an influence on whether or not the problem was ultimately resolved. Specifically, the data indicates that specific agreements on the part of the respondent result in more long-term resolutions. A similar relationship was found between the specificity of the respondent's agreement and their perception of the level of problem resolution. The nature of the complainant's agreement was found to be even more influential on the percentage of cases which were resolved. The complainant tended to view the problem as solved if his/her agreement in the mediation hearing was specific (of those disputes resolved, 52.2 percent involved specific agreements versus 35.0 percent general agreements). The specificity of the complainant's agreement was also directly related to whether or not the respondent viewed the problem as totally resolved.

Determining the reasons why specific agreements appear to facilitate long lasting problem resolutions can only be done on a speculative, philosophical level. It seems reasonable to suggest that people are simply more likely to perform behavioral changes if the guidelines for change are explicit and of a definite nature. It may be that people feel a greater commitment to fulfill an agreement if they stated in detail what their action will be to prevent future problems. Whatever the reasons behind this phenomenon, its presence suggests the mediators should encourage the disputant to make specific commitments of a definable nature.

#### e. Type of Program

Although the relative effect of the type of CDS program did not have a significant overall impact on whether or not the problem between disputants was completely resolved, it was deemed important to examine this relationship in some detail. The method of performing this analysis was to identify procedural aspects of CDS programs which might be important and then examine the percentage of disputes totally resolved within the various categories. The organizational characteristics examined included:

- Sponsorship
- Caseload
- Financial Support
- Type of Compensation Provided Mediators

The type of agency the CDS program is sponsored by - state attorney, court, or private organization - is related to the portion of disputes successfully resolved on a long-term

basis. The program under the direction of the state attorney (Duval) had the lowest resolution rate (29.0%) with the remaining programs having almost equivalent ratios of cases resolved versus disputes still existing to some degree (51.9 to 55.3%).

Breaking the programs into various levels of caseload and financial support revealed there was no meaningful variation in the success of the program, as measured by problem resolution rates. Another interesting finding was that there was no significant difference in the resolution rates across programs which used paid mediators.

#### f. Satisfaction with Process, Time Frame and Mediator Performance

The second set of factors which were examined to determine their relative effect on long-term resolution rates included:

- Satisfaction with the CDS process
- Evaluation of the Mediators Overall Performance
- Time Frame from Complaint to Hearing

Complainant satisfaction rates were found to be highly correlated with the level of problem resolution, e.g., as complainants were less satisfied, they were less likely to perceive the problem as resolved six to twelve months after the mediation hearing. Identical findings were found for respondents.

Interestingly, the participants' evaluation of the mediators' performance also had a profound influence on the level of problem resolution. When the complainant and respondent held the mediator's ability in high regard, the problem was much more likely to be resolved months later. These facts provide additional evidence for the need to utilize competent mediators to assist disputants in their effort to resolve their differences.

The time frame from complaint to disposition was found to have very little effect on the problem resolution rate.

#### 6. Summary of Findings

The variety of findings documented in this explanatory section necessitates a brief summary of the major determinations made using the information collected. A reasonable way to depict the primary findings is to examine how each explanatory variable provided insight into the variations found across categories of the assessment measures.

a. Case Origination

The data clearly revealed that disputants referred to CDS programs by criminal justice personnel were the most likely to appear for scheduled hearings, reach agreements, and be satisfied with the CDS process. This fact demonstrates the need for programs to engender and maintain adequate working relations with personnel related to the criminal justice field.

b. Type of CDS Program

The major focus in the analysis which examined the levels of positive assessment within various CDS programs was to determine if the variations could be explained by organizational structure or operational procedures within the programs. Table 21 reveals the variations in no-show rates, agreement rates, etc., within the five programs studied.

Table 21  
Comparison of Programs with Major Assessment Variables

Variable Area	%No-Shows	%Agreements	% Satisfied With Mediator	%Satisfied With CDS	%Totally Resolved
BROWARD	34.3	82.9	53.6	41.4	51.9
DADE	30.9	80.1	79.8	57.8	55.1
DUVAL	23.3	89.9	67.6	50.0	29.0
ORANGE	33.2	79.8	75.0	53.1	55.2
PINELLAS	22.7	78.4	73.0	52.3	55.3

An interesting finding in this table and the data presented herein reveal is that the program sponsored by and operated within the state attorney's office (Duval) was very successful in terms of encouraging disputants to appear for hearings and to settle their difficulties using the mediation process. However, complainants bringing their disputes to this program were less likely to be satisfied with the CDS process or to perceive the problem as totally resolved months later. Although this trend was partially explained by the types of cases the Duval program handles, the program control does remain a factor.

It was also found that although disputants who had contact with paid mediators were somewhat more likely to be satisfied and view the problem as resolved, this relationship was not

statistically significant. Finally, variations in the assessment measures across programs was not found to be related to caseloads or budget requirements.

c. Type of Dispute

The type of dispute occurring between CDS participants was found to be a primary factor influencing the success of CDS programs measured by the assessment variables. Table 22 documents the findings in this regard when the type of disputes are grouped into four categories.

The findings presented previously in conjunction with this table reveal several interesting facets of the CDS process in relation to the type of dispute being handled. First, it can be seen that disputants involved in property or money problems are reluctant to appear for hearings, to reach equitable agreements, or even be satisfied with the mediator's performance and the CDS process. Yet, property disputes are the most likely to result in long-term resolution. Personal type disputes display an opposite trend in that initial success is likely, but long-range settlement is less likely.

Secondly, in that the CDS concept is generally associated with neighborhood type disputes, it is interesting to note the low no-show rates and high agreement rates among such disputes, along with the decrease in satisfaction and long-term resolution rates. Finally, public order type disputes fair well in the initial stages of CDS, but falter on a long-term basis.

Table 22  
Comparison of Dispute Type with Major Assessment Variables

Variable Area	%No-Shows	%Agreements	%Satisfied With Mediator	%Satisfied With CDS	Totally Resolved
PERSONAL	32.9	83.4	81.3	61.2	55.7
PROPERTY	37.6	71.4	73.7	55.8	64.9
PUBLIC ORDER	18.9	88.9	70.5	50.0	43.2
NEIGHBORHOOD	23.1	87.4	59.4	38.8	36.9

Table 23  
Comparison of Disputant Relationship with Major Assessment Variables

Disposition Relationship	%No-Shows	% Agreements	% Satisfied With Mediator	% Satisfied With CDS	%Totally Resolved
InterP Family	36.7	84.0	74.3	50.0	43.6
InterP Non-Family	29.7	84.9	74.3	50.3	46.3
Civil Temporary	36.7	72.6	75.4	54.8	64.5
No Relationship	27.3	80.5	71.4	64.3	76.9

d. Relationship Between Disputants

Table 23 reveals the relationship between the type of relationship and the assessment measures. The most significant finding is the increased likelihood of long-term resolution as the level of involvement between the parties decreases. Thus, the CDS process appears to be a viable means of dealing with disputants who have minor or no contact with one another.

e. Nature of the Agreement

A very pragmatic finding was the existence of an increased likelihood of complainants being satisfied with the CDS process and perceiving the problem as totally resolved months after settlement if the respondents agreed to perform specific behaviors to help settle the problem.

f. Evaluation of Mediator

The importance of utilizing well trained, competent mediators was evidenced by the data which revealed that as the level of positive evaluation increased, the degree of satisfaction with the CDS process and the probability of long-term resolution increased.

These summary results certainly do not exhaust the findings presented in this section. However, they do depict the major areas of interest.

D. Assessment of the Citizen Dispute Settlement Process  
Costs

This portion of the report will detail the study's findings in relation to the relative costs of processing cases through a typical CDS program. Specifically, the topics to be discussed include:

- The CDS Process as it Exists in Hillsborough County
- The Personnel Times and Costs Associated with Specific Types of Case Functions, Types of Disputes and the Level of Case Process Penetration

1. Description of the Hillsborough County CDS Process

Essentially, cases originate either from referrals by outside agencies or self-referrals (i.e., when individuals learn of CDS through friends, the media, etc.). An intake counselor interviews the complaining party(s) and either a mediation hearing is scheduled or the case is referred to an outside agency. During the interim between complaint and mediation hearing, a variety of tasks are performed by intake personnel and various support staff. These functions include preparing hearing notices, card indexing, telephone

discussions with the parties involved, preparation of the hearing, etc. If an agreement is reached at the hearing, a notice is sent to the referral agency if applicable and subsequent follow-up contacts are made with the disputing parties. If an agreement is not made and the disputants are agreeable, a new hearing is scheduled.

The overall budget of the program in 1979 was \$99,827 with \$82,989 allocated for personnel and \$16,838 for operating expenses.

## 2. Analysis of Cost Findings

Table 24 reveals the average personnel time required to perform various types of functions and the cost associated with case processing. The average cost associated with processing a case through the Hillsborough County CDS Process was found to be \$14.25 with an average personnel time of 146 minutes. Comparing the cost/time figures across the type of dispute involved, the table shows there are variations of notable importance. Civil cases are the least expensive to process (\$12.65) while non-criminal/civil cases are the most expensive (\$19.26) and criminal type disputes in-between (\$14.46). Across specific types of disputes there exist differences in processing costs as large as \$3.21 (assault cases - \$12.80 and animal nuisance cases - \$16.01).

Table 24 provides additional information in the form of costs associated with various types of functions which aid in explaining why the associated cost of processing cases varies by the type of dispute involved. Examining the Row figures for "All Cases", it is evident that the major portion of case processing time and expense is expended in the mediation hearing procedure. In terms of those functions which are performed on the vast majority of cases (Intake - 100%, clerical - 100%, and miscellaneous contact - 83%), it is noteworthy that the expense involved in various types of contacts with disputants after intake is relatively substantial (average of 34 minutes and \$3.11 for miscellaneous contacts). This finding, in conjunction with the distribution of times for the categories for functions performed within the CDS system, reflects the personal, non-bureaucratic nature of the agency. The specific time/cost figures within the categories of function type and case type also reveal that some variations across general and specific disputes are present but not exceptionally divergent.

An additional cost figure not reported in Table 24 but has significance in terms of an omnipresent controversy within the CDS field is the average cost of processing disputes if mediators are employed as volunteers rather than compensated on a monetary basis. Our computations show that the average cost would be \$9.50, in contrast to \$14.25, if mediators were not paid. This results in a reduction of 33% which is obviously a substantial cost savings. This is an important point to

Table 24

Average Amount of Personnel Time and Cost Required to Process  
CDS Cases by Specific Program Functions

		Intake Time/Cost	Clerical Time/Cost	Miscellaneous Contact Time/Cost	Hearing Preparation Time/Cost	Mediation Time/Cost	Total Process Time/Cost
ALL CASES	(203)	29min/\$2.73	22min/\$1.41	34min/\$3.11	20min/\$1.85	53min/\$7.09	146min/\$14.25
CRIMINAL CASES	(85)	29min/\$2.71	22min/\$1.45	31min/\$2.87	20min/\$1.86	53min/\$7.04	146min/\$14.46
Assault	(8)	26min/\$2.33	24min/\$1.59	30min/\$2.72	24min/\$2.10	57min/\$7.66	136min/\$12.80
Battery	(27)	27min/\$2.66	22min/\$1.42	33min/\$3.10	21min/\$1.91	49min/\$4.56	143min/\$14.11
Criminal Mischief	(12)	35min/\$3.22	22min/\$1.39	24min/\$2.22	19min/\$1.74	53min/\$7.11	147min/\$14.46
Harassment	(24)	29min/\$2.71	20min/\$1.29	27min/\$2.44	20min/\$1.82	53min/\$7.11	144min/\$14.45
Animal Nuisances	(14)	28min/\$2.60	26min/\$1.74	38min/\$3.61	20min/\$1.82	56min/\$7.45	163min/\$16.01
CIVIL CASES	(56)	30min/\$2.76	20min/\$1.31	32min/\$2.87	19min/\$1.70	47min/\$6.30	133min/\$12.65
Landlord/Tenant	(15)	33min/\$3.17	22min/\$1.39	33min/\$3.06	18min/\$1.66	36min/\$4.75	130min/\$11.98
Recovery Money	(41)	28min/\$2.61	20min/\$1.29	31min/\$2.81	19min/\$1.71	51min/\$6.77	135min/\$12.90
OTHER CASES	(14)	39min/\$3.61	23min/\$1.46	58min/\$5.21	19min/\$1.74	65min/\$8.72	194min/\$19.26
		N=203,100%	N=203,100%	N=169,83.2%	N=157,77.3%	N=136,67.0%	N=203,100%

consider when evaluating the overall results. Many programs do not pay their mediators and, thus, the case processing costs are considerably lower than in programs where the mediators are paid. This is not to say, however, that all programs should use volunteer mediators. It is only to emphasize the impact on the program's overall budget.

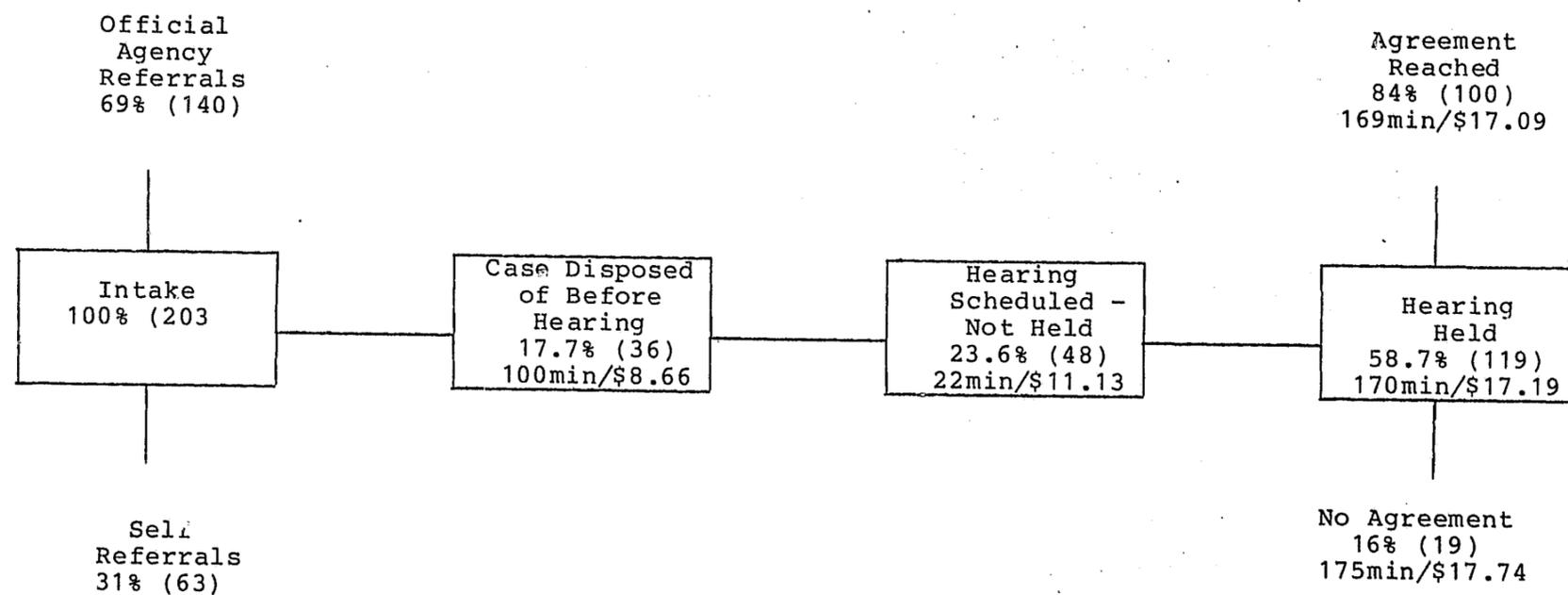
In Table 25, cost and time figures are presented broken down by the stages in the CDS program which a case proceeds. Generally, the table shows that the time required to handle a case and the associated cost increases as the level of case process penetration increases. This fact is also depicted in Figure 3 which reveals that the average cost of a case increases by \$6.06 (35.2%) when a hearing is held.

Table 25

Average Amount of Personnel Time and Cost Required to Process  
CDS Cases by Each Stage in Process

		Time/Cost of Case Processing To Intake(203)	Time/Cost if Case Solved/Dismissed Before Hearing (36)	Time/Cost of Hearing Scheduled- Not Held (48)	Time/Cost if Settled At Hearing (100)	Time/Cost if Case Not Settled At Hearing (19)
ALL CASES	(203)	29min/\$2.73	100min/\$ 8.66	112min/\$11.13	169min/\$17.09	175min/\$17.74
CRIMINAL CASES	(85)	29min/\$2.71	106min/\$ 9.17	139min/\$13.03	158min/\$16.06	149min/\$15.32
Assault	(8)	26min/\$2.33	71min/\$ 5.93	141min/\$12.37	149min/\$15.66	-----
Battery	(27)	27min/\$2.66	105min/\$ 9.44	145min/\$14.56	161min/\$16.25	123min/\$11.29
Criminal Mischief	(12)	35min/\$3.22	86min/\$ 7.29	197min/\$16.92	154min/\$15.98	122min/\$12.16
Harassment	(24)	29min/\$2.71	125min/\$10.59	85min/\$ 7.74	149min/\$15.19	185min/\$19.82
Animal Nuisance	(14)	28min/\$2.60	116min/\$ 9.47	-----	170min/\$17.18	-----
CIVIL CASES	(56)	30min/\$2.76	105min/\$ 9.13	105min/\$ 9.15	164min/\$16.40	167min/\$16.86
Landlord/Tenant	(15)	33min/\$3.17	129min/\$10.92	90min/\$ 8.03	156min/\$15.31	164min/\$16.17
Recovery Money	(41)	28min/\$2.61	95min/\$ 8.38	112min/\$ 9.66	166min/\$16.71	168min/\$17.14
OTHER CASES	(14)	39min/\$3.61	-----	135min/\$12.27	219min/\$22.05	-----

Figure 3  
CASE PROCESS FLOW IN THE CDS PROGRAM AND ASSOCIATED COSTS



E. Assessment of Potential Impact of CDS on Existing Dispute Resolution Processes

A discussion of the impact citizen dispute settlement programs have on existing dispute resolution systems and their respective communities must be conducted in an abstract, rather than concrete, manner. The reason for this restriction is simply that no empirical or comprehensive research has been done which would enable one to measure the direct, cumulative impact CDS has on the existing dispute resolution processes. Given this fact, the following assessment will present data which was collected in the study which can address the potential impact of CDS programming.

1. Nature of CDS Disputes Relative to Cases Handled by the Judicial System

The primary dispute resolution system in any given jurisdiction is the judicial system. There are obviously other dispute resolution mechanisms present in many jurisdiction. However, due to the lack of data (only 2.4% of the total sample) in the 2,601 case files examined on the out-going referrals to other programs or agencies, the impact CDS has on them cannot be accurately assessed.

Table 26  
Potential of CDS Cases for Judicial Processing

Variable Area	Number of CDS Case Filings	Number and Percentage of CDS Cases Which Appear to Hold Potential For Formal Judicial Processing
Broward	212	165 (78.0%)
Dade	1,012	771 (76.2%)
Duval	275	240 (87.5%)
Orange	186	123 (66.3%)
Pinellas	916	749 (81.8%)
Total	2,601	2,049 (78.7%)

Based upon the criteria which was established to categorize disputes into specific types, approximately 78 percent of the total cases sampled appear to hold at least some potential for processing through the judicial system. (Note: The 78% figure represents all the specific dispute types listed in Table 3 except neighborhood and harassment disputes which do not generally appear to hold potential for formal judicial processing.) Table 26 represents the percentage of CDS disputes which do appear to hold potential for formal processing for

each individual program and the percentage figures in this table were based upon the criteria noted above.

Due to the very limited amount of discretion found in the county civil court area, virtually all CDS cases involving recovery of money, landlord/tenant and consumer disputes could be considered potential civil court cases. However, there is no empirical measure currently available to definitively determine what percentage of cases CDS programs handle would actually enter and be processed through the various stages of the judicial system.

## 2. Prior Contacts with Criminal and Civil Justice Systems

Table 27 (n=314)

### Complainant Contacts with Criminal and Civil Justice Personnel

	Judge	Law Enforcement Officer or Agency	State Attorney	Court Clerk	Other
0	94.3%	48.4%	76.1%	86.3%	84.4%
1	3.8	18.5	17.2	10.2	11.1
2	1.3	11.8	4.1	2.2	2.2
3	0.3	7.6	1.6	1.0	0.6
4	0.0	3.2	0.0	0.0	0.0
5	0.0	2.5	0.0	0.0	0.3
6+	0.3	8.0	1.0	0.3	1.3

The mailed questionnaires administered to CDS participants in the study did reveal frequencies of the contacts they had with various justice system personnel. Table 27 indicates that prior to taking their disputes to CDS, 51.6 percent of the complainants contacted a law enforcement officer or agency at least one time. In 23.9 percent of the cases, complainants stated they contacted the State Attorney's office one or more times. Additionally, 30.1 percent of the complainants stated that a formal complaint had been filed with the court as a result of their contact with justice system personnel. The complainant data also revealed that they consulted with an attorney in 18.3 percent of the cases prior to taking their dispute to CDS.

## 3. Impact of CDS Programs on Judicial System Workload

Table 28  
Comparison of CDS Programs with County Court Caseloads

Variable Area	Judicial Case Filings*			CDS Case Filings*	% of Total Judicial Case Filings Which CDS Case Filings Represent
	County Court Criminal (Misd., County & Mun. Ord.)	County Court Civil (Small Claims)	Total Filings		
Broward	10,844	9,338	20,182	212	1.0%
Dade	18,041	15,399	33,440	1,012	3.0%
Duval	10,704	6,622	17,326	275	1.5%
Orange	6,943	4,624	11,567	186	1.6%
Pinellas	5,928	3,778	9,706	916	9.4%
Total	52,460	39,761	92,221	2,601	2.8%

\* Based upon the first six months of 1978

It should be noted in reviewing this data, that from a direct impact standpoint, the percentage figures in Table 28 do not represent a large number of cases. In fact, when assessing the impact CDS programs have on the judicial system from a purely numerical perspective, it becomes quite clear that CDS caseloads comprise an extremely low percentage of cases compared to the judicial system workload. Table 28 shows that the total CDS caseload (2,601) of the five programs examined comprised only 2.8 percent of the judicial case filings in those jurisdictions. As mentioned earlier, not all CDS cases appear to hold potential for processing in the judicial system. Thus, if only 78 percent of the total sample met the criteria established for potential processing through the judicial system, the 2.8 percent figure would be reduced to 2.0 percent.

## 4. Potential Future Impact of CDS on the Judicial System

Table 29 reveals what complainants said they would do given certain situations. When asked what they have done or would do if their problem had not been resolved, 47.2 percent indicated they would either attempt to work out the problem themselves or do nothing at all, 19.7 percent indicated they would file a formal complaint with the court and only 15.0 percent stated they would go back to the CDS program. The low "go back to CDS" percentage is predictable given the fact that these complainants were unable to attain their desired outcome through the CDS process.

When complainants were asked what they would do if they had a future problem, the majority (53.8%) stated they would file with CDS again, only 21.8 percent indicated they would do nothing or work out a solution themselves and again approximately 20 percent stated they would file with the court.

However, when asked what they would do if a CDS program was not available to help them resolve a dispute, 64.5 percent of the complainants stated they would file a formal complaint with the court. This figure demonstrates that as CDS caseloads increase, the potential impact on the judicial system workload may become more substantial.

Table 29

Complainants Plans for Dispute Resolution

When asked: Complainant Response	If problem was still unresolved, what would or have you done?	If a future problem of a similar nature developed, what would you do?	If the CDS program was not available to assist you in resolving your dispute, what would you do?
Do nothing	16.5%	2.8%	3.3%
Work out the problem themselves	30.7	19.0	24.1
File a CDS complaint	15.0	53.8	N/A
File a complaint with court	19.7	20.0	64.5
Other	18.1	4.5	8.0
N Value	127	290	299

SYNOPSIS OF MAJOR FINDINGS

- There exists a need for CDS programs to solicit referrals from a wider range of sources than are currently being utilized.
- It was found that referrals from criminal/civil justice personnel had the lowest no-show rates, the highest agreement rates, and were the most likely to refer disputants who would be satisfied with the CDS process.
- Disputes involving property and/or money were found to exhibit the lowest appearance and agreement rates, yet, when an agreement was reached, the problem was very likely to be resolved on a long term basis.
- Domestic/Child Welfare disputes were found to be the most difficult to deal with in the CDS process in terms of no-show rates, agreement rates, satisfaction levels and probability of long term resolution.
- Personal and neighborhood disputes were more likely to be dealt with successfully on a short term basis (i.e., higher appearance and agreement rates), however, the likelihood of long term resolution was low relative to other types of disputes.
- CDS programs handle disputes in an expeditious manner - the average time from complaint to disposition was eleven days.
- Program facilities and services are generally very accessible and convenient for participants but there is some area for improvement in this regard.
- There is a good chance a settlement will be reached if participants appear for scheduled hearings (80.7 % agreements)
- One-fourth of all complaints ultimately result in complete resolution of the dispute.
- Based on the percentage of disputants who fail to appear for scheduled hearings, there is a need for CDS programs to utilize every means available to reduce the no-show rates.
- Disputants were found to have very positive opinions concerning the competence and effectiveness of the mediators.
- Disputant opinions of the mediators' performance and effectiveness on long term resolution rates were not found to differ significantly across programs utilizing paid mediators versus programs using volunteer mediators.

- Reasonably high levels of satisfaction and degree of problem resolution were found to be produced via the CDS process.
- The rate of satisfied disputants and those perceiving the problem to be totally resolved remained constant for a period of up to one year after the mediation hearing and agreement.
- The data indicates agreements of a specific nature produce positive assessment of the mediators' performance, higher levels of satisfaction, and a greater likelihood of long term resolution of the problem.
- It was found that as the disputants opinions of the mediator became more positive, the level of satisfaction and rate of problem resolution increased.
- CDS program caseloads comprise a very small percentage of cases in the judicial system.
- It was found that although disputants with relationships characterized as personal in nature had a greater likelihood of agreeing on a settlement in the hearing, such relationships were not conducive to long term resolution of the problem.
- The average personnel costs associated with processing a case through a CDS program is \$14.25.
- The average amount of personnel time involved in processing a case is 146 minutes.
- Approximately 90 percent of the personnel costs and 79 percent of the personnel time devoted to the average CDS case were related to personnel contact, i.e., intake, miscellaneous contacts (usually phone calls or other personal communication) and mediation hearings.
- The time required to handle cases and the associated costs increased as the level of penetration into the CDS process increased.
- The costs of processing disputes through the CDS system do vary by general categories of cases. For example, the average cost of processing civil cases is \$12.65 compared to \$14.46 for criminal cases and \$19.26 for non-criminal/civil cases.
- There were no costs incurred by disputants for utilizing the CDS forum.
- If volunteer mediators were used by the CDS program, the costs of case processing would be reduced by one-third (i.e., from \$14.25 to \$9.50).

## CONCLUSIONS

It is evident from the results of this study, that the CDS process is a viable alternative resolution mechanism for certain types of disputes. It is not the answer to all minor problems nor is it the sole answer to reducing the overburdened courts' caseload. However, its continued growth and usage can only enhance the role that law enforcement agencies, the courts and other criminal justice and social service agencies and organizations play in providing services and administering justice to the citizens of Florida.

This study did not address all of the issues and questions that have arisen as a result of the introduction of this new dispute resolution mechanism. Further and more intensive analysis of the costs of this alternative in comparison to other dispute resolution alternatives should be conducted. Moreover, the long-term effects that participation in the CDS process has on the individual disputants in terms of preventing future disputes, as well as how such individuals will react if they become involved in another dispute should be addressed. There is also a need to look very closely at the voluntary nature of the process and the various methods that individual programs use to offset the obvious problems that result from this major operational feature.

These are only some of the additional issues that may be addressed by future research efforts and, of course, are not exhaustive of all questions that have yet to be analyzed. It is our hope that the results of this study have provided additional insight into the workings of one method of dispute resolution and will stimulate further study of this recent and innovative development in the area of dispute resolution.

ADDENDUM A

ADDENDUM A

DEFINITION/EXPLANATION OF SELECTED TERMS

CASE ORIGINATION - The agency or organization which referred the complainant to the CDS program or what the complainant's source of information was as to the existence of CDS.

DISPUTE TYPE - GENERAL

CRIMINAL DISPUTE - An act by an adult where a possible violation of a state statute or municipal/county ordinance has occurred. An adult is anyone 18 years of age or older.

CIVIL DISPUTE - A dispute where no possible governmental sanction or penalty can be levied.

JUVENILE DISPUTE - An act by a juvenile where a possible violation of a state statute or municipal/county ordinance has occurred. A juvenile is anyone under the age of 18.

DISPUTE TYPE - SPECIFIC

ASSAULT - A threat by word or act to intentionally injure another person. It does not involve the actual carrying out of the threat.

BATTERY - A threat of bodily injury plus the actual and intentional carrying out of the threat.

CRIMINAL MISCHIEF - The damaging or destruction of real or personal property (vandalism).

TRESPASS - The unauthorized entrance or occupation of any structure or conveyance or the refusal to leave the structure or conveyance after being ordered to do so by the owner of said property.

LARCENY - The taking of money and/or property without authorization of the owner.

ANIMAL NUISANCE - The creation of a nuisance involving an animal such as a dog running loose, barking, destruction of property by an animal, unsightly premises as a result of the keeping of animals, disturbing odors, etc.

NOISE NUISANCE - A noise other than an animal noise which causes problems or disturbs the complaining party.

LANDLORD/TENANT - A civil dispute between landlord/tenant such as rental rates, security deposit, damages,, etc., which does not involve a criminal act.

RECOVERY OF MONEY AND/OR PROPERTY - A dispute involving the loan of money or property and the subsequent non-return of property or not repaying money and no criminal act was involved.

CONSUMER - The whole realm of disputes that may arise between a business and an individual customer.

HARASSMENT - Any dispute where the complaining party is alleging being unnecessarily annoyed by the respondent. This does not include any specified category otherwise classified into another dispute category.

NEIGHBORHOOD - Any dispute between neighbors that has not already been designated. Examples include property disputes, disputes related to the relationship of the disputants' children, or a combination of a number of disputes or problems that emulate from the neighbor relationship.

DOMESTIC/CHILD WELFARE - This category is a combination of four conceptually similar types of disputes -- child support, child visitation, child custody, and general marital difficulties.

OTHER - Disputes involving more than one primary type of conflict and the categories of fraud, disorderly conduct, negligence, and employee relations problems.

#### RELATIONSHIP OF DISPUTANTS

HUSBAND/WIFE - Includes both separated and cohabitating spouses because an inference as to their living arrangements could not be made when such information was unavailable in the case files. Evidence indicates the majority of married disputants were separated at the time the complaint was filed.

NEIGHBOR - Self Explanatory

LANDLORD/TENANT - Self Explanatory

EMPLOYER - Contains disputes involving employer/employee, employee/employer, and employee/employee.

BUSINESS/CONSUMER - Self Explanatory

NO RELATIONSHIP - Self Explanatory

RELATIVES - A dispute between or among relatives not including husband/wife. Primarily includes parent/child, and extended family members such as brothers, sisters, aunts, uncles, nieces, nephews, cousins, grandparents, grandchildren, in-laws and step-parents or children.

MALE/FEMALE PERSONAL COHABITATING - A personal relationship between persons of the opposite sex who are living together. In most cases, the individuals were not cohabitating at the time the CDS program received the case.

FRIENDS/CASUAL COHABITATING - A casual relationship between two or more individuals who are living together, e.g., roommates. This category includes male/male, female/female, and male/female relationships.

MALE/FEMALE PERSONAL NONCOHABITATING - A personal relationship between two or more individuals who are not living together.

FRIEND/OTHER - Categories of male/male personal cohabitating, female/female personal cohabitating, male/male personal noncohabitating and female/female personal noncohabitating.

OTHER - Special relationships not previously identified.

#### NATURE OF COMPLAINT

SEEK ALTERATION OF PAST BEHAVIOR - The complainant is seeking a change in the behavior of the respondent who allegedly instigated the dispute.

SEEK DISENGAGEMENT - The complainant is seeking to end any contact/relationship with respondent. This also includes a separate category for eviction of a tenant by a landlord.

SEEK PAYMENT/RETURN OF DESIGNATED SUM OF MONEY/PROPERTY - This category is a combination of two categories -- seeking payment/return of designated sum of money and return of designated property.

SEEK REPAIR/SERVICE OF DESIGNATED PROPERTY - Self explanatory

SEEK MAINTENANCE/REMOVAL OF PROPERTY/PLANTS/TREES, ETC. - Self Explanatory

SEEK COUNSELING/PARTICIPATION OF RESPONDENT IN DESIGNATED PROGRAM - Self Explanatory

SEEK CONTROL OF ANIMALS - Self Explanatory

CHILD WELFARE - A desire for child support, child visitation rights, custody of child, or some combination therein.

OTHER - The seeking to reduce/eliminate a bill, avoid eviction, multiple complaints, and complaints which could not be classified into one of the existing categories.

NATURE OF DISPOSITION

COMPLAINANT'S FAILURE TO APPEAR - Self Explanatory

RESPONDENT'S FAILURE TO APPEAR - Self Explanatory

BOTH PARTIES FAILED TO APPEAR - Self Explanatory

MEDIATION HEARING AND AGREEMENT - A hearing was scheduled, a hearing was held, and an agreement was reached.

NO SETTLEMENT REACHED AT HEARING - A hearing was held but no settlement was reached.

HEARING CANCELLED BY COMPLAINANT - When the complainant notified the CDS program and cancelled the hearing or withdrew the complaint but failed to indicate whether the dispute had been resolved or such information was not present in the case files.

DISPUTE SETTLED BY DISPUTANTS BEFORE HEARING - Disputants indicated they had settled the dispute among themselves prior to the scheduled mediation hearing.

OTHER - The several categories later considered unnecessary for specific analysis. Cases referred to a criminal jurisdiction, civil jurisdiction or a social service agency were included in the other category because of the low frequency of such referrals indicated in the case files. This occurred because most referrals were made at intake and thus, no file was made on the case. The disposition was also classified as other when the program refused to handle the dispute due to some aspect of the conflict but no referral to another agency was made or when the program was unable to contact/notify one or both disputants.

NATURE OF COMPLAINANT/RESPONDENT AGREEMENTS

ALTERATION OF PAST BEHAVIOR - Agreement to change the behavior which caused the complaint.

DISENGAGEMENT - Agreement to end all contact/relationship with the complainant/respondent. Included within this category are agreements to vacate his/her place of living.

PAYMENT OF DESIGNATED SUM OF MONEY/PROPERTY - The categories of payment/return of a designated sum of money and the return of designated property were combined.

MAKE DESIGNATED REPAIRS/SERVICES - Self Explanatory

VOLUNTEER TO ATTEND/PARTICIPATE IN DESIGNATED PROGRAMS - The commitment to attend and/or participate in any extra-curricular activity for which the respondent is not presently involved.

ESTABLISH COOPERATIVE RELATIONSHIP - Self Explanatory

MAINTENANCE OF PROPERTY - Self Explanatory

CONTROL OF ANIMALS - Self Explanatory

NO SPECIFIC OBLIGATION DESIGNATED IN THE AGREEMENT - Self Explanatory

NOT PURSUE CRIMINAL PROSECUTION - Self Explanatory

NOT PURSUE CIVIL ACTION - Self Explanatory

DOMESTIC/CHILD WELFARE - Child support, custody and visitation matters

OTHER - Multiple agreements and types of agreements not classifiable into the described categories.

COMPLAINANT/RESPONDENT TYPE

INDIVIDUAL - One or more individuals unrelated by marriage.

COUPLE - Two people related by marriage.

BUSINESS - Any type of business.

GOVERNMENT AGENCY - This usually involved law enforcement agencies, schools, etc.

THE COMPLAINANT'S AND RESPONDENT'S SATISFACTION WITH THE MEDIATION RESOLUTION - This information was collected from the mailed questionnaire and responded to on a six point scale from "very satisfied" to "very unsatisfied". This scale was later collapsed into a three point scale including satisfied, partially satisfied and unsatisfied.

THE COMPLAINANT'S AND RESPONDENT'S EVALUATION OF THE MEDIATOR'S PERFORMANCE - Three questions dealing with the impartiality, ability to focus the discussion, and encouragement of the mediator to settle the dispute, were responded to on a four point scale--"strongly agree" to "strongly disagree". Five questions responded to in a yes/no fashion were asked to determine if the participants considered the mediator to be well prepared, courteous and respectful, patient, understanding, and helpful. To facilitate more efficient and meaningful analysis of this variable, a scale of mediator evaluation was developed. The three questions responded to on a four point scale were altered by collapsing the "strongly agree" and "agree" responses into one category and the "disagree" and "strongly disagree" responses into another.

The responses on all the mediator evaluation item then ranged from one (negative evaluation) to two (positive evaluation). These values were then summed over all items and divided by the number of questions answered (in many cases there was missing data on some of the items so the number of questions used to compute the scale value varied across individuals). This scale value was multiplied by a score of ten. A scale value ranging from ten to twenty as an indicator of their perception of the adequacy of the mediator's performance was computed for each disputant.

THE COMPLAINANT'S AND RESPONDENT'S OPINION CONCERNING THE DEGREE TO WHICH THE PROBLEM WAS RESOLVED SIX TO TWELVE MONTHS AFTER THE HEARING - This question was asked of both participants in the mailed questionnaire and included the categories of totally resolved, partially resolved and problem still exists.

**END**