

Impact of Alternative Dispute Resolution on Responsibility, Empowerment, Resolution, and Satisfaction with the Judiciary: Comparison of Self-Reported Outcomes in District Court Civil Cases



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Executive summary

Overview

This research is part of a larger research effort to measure the impact of Alternative Dispute Resolution (ADR) on the experience of litigants in the District Court of Maryland. The research includes a comparison between individuals who used ADR (the “treatment” cases) and those who went through the standard court process without ADR (the “control” cases). The analysis in this document is focused on comparing the self-reported experience of ADR participants to those who did not use ADR, from surveys before and after the process. The analysis considers:

- 1) attitude toward the other participant,
- 2) a sense of empowerment and having a voice in the process,
- 3) a sense of responsibility for the situation,
- 4) a belief that the conflict has been resolved, and
- 5) satisfaction with the judicial system.

This study also tests whether participants’ experiences with ADR is different for different demographic groups.

This research is much more rigorous than previous outcome studies of ADR processes. To our knowledge, this study is the only one in the country that compares the attitudes and changes in attitudes of participants who went through ADR to a comparison group who were never offered ADR and proceeded through the standard court process. This study goes further to isolate the impact of ADR by gathering a wide range of demographic, personal, and attitudinal information about the participants so these can be considered in the analysis. Many studies report the results of post-ADR survey forms. This study is radically different in that it includes changes from before and after ADR, and compares these results to changes in cases from before and after they went through the standard court process.

To measure the impact of ADR on potential shifts in participants’ attitudes and perspectives, we took into account that there are a range of factors that could affect these shifts and perspectives. Participants’ roles in court (plaintiff or defendant), whether they are represented by an attorney, their general outlook before they got to court, the history of the relationship between the litigants, the history of the conflict, and the type of case, can all have an effect on attitudes and perspectives. Our research methodology, called *regression analysis*, allows us to isolate the impact of ADR from other variables that may affect the outcome, such as whether another case is pending, or the extent to which the participant believes they are responsible for the situation. By doing this, we can reach more statistically rigorous conclusions about the impact of ADR itself, while simultaneously accounting for these other factors in our conclusions.

One other unique aspect of this study is that we separate the impact of reaching an agreement from the impact of the ADR process. This is important because it recognizes that the value of ADR¹ goes beyond simply whether an agreement was reached. One criticism of

¹ ADR services within the district court program include both mediation and Settlement Conferences. The vast majority of cases considered here are mediation (80% in Baltimore, 97% in Montgomery County, and 88% overall),

some ADR studies is that participants can reach agreements on their own through direct negotiation, for example when they settle the case “on the courthouse steps.” This critique assumes the value added of mediation is only the agreement and that the agreement could potentially be reached without ADR. This study includes people who reached agreement in ADR **and** those who did not, and compares them to people using the standard court process who reached an agreement in the hallway before they went into court **and** those who did not. This research created a variable for people who reached an agreement, whether in ADR or on their own, and include this in the regression analysis. By doing this, **we are able to isolate the impact of the process of ADR**, separate from its effect on reaching an agreement.

Findings

We only make conclusions about outcomes which are statistically significant at a 95% confidence level. There are several more questions for which the average answers among those who went to ADR and those who went through the standard court process are different, but if the difference was not found to be statistically significant at that benchmark level when we take into account all of the important factors, then we do not report it as an outcome in this report.

The analysis finds the following in terms of impact of ADR on the self-reported outcomes we measure. Participants who went through ADR are more likely than those who went through the court process to indicate that:

- 1) They **could express themselves, their thoughts, and their concerns**.
- 2) All of the **underlying issues came out**.
- 3) The **issues are resolved**.
- 4) The issues were **completely resolved** rather than partially resolved.
- 5) They **acknowledged responsibility** for the situation.

In addition, participants who went through ADR are more likely than those who went through the standard court process:

- 1) To have **an increase in their rating of their level of responsibility** for the situation from before the intervention to after the intervention.
- 2) To **shift toward disagreement with the statement “the other people need to learn they are wrong”** from before the process to after the process.

Participants who went through ADR are **less likely to report that no one took responsibility** or apologized than are people who went through the standard court process.

All of these findings are uniformly applicable to ADR, **whether or not an agreement was reached**.

Finally, **participants who developed a negotiated agreement in ADR were more likely to be satisfied with the judicial system than others**, while participants who reached negotiated agreement on their own (without ADR) were not more likely to be satisfied with the judicial

however, we consider the two processes together in comparison to the standard court process to which they are an alternative.

system than those without negotiated agreements. This seems to imply that the process of reaching agreement **in ADR** is the factor that led to higher satisfaction, rather than just the outcome of reaching a negotiated settlement.

In addition to the outcomes measured above, we also tested the impact of ADR on measures such as whether the participant felt the other participant listened and understood them; whether they became clearer about their goals through the process; their perception of fairness; and the difference in their attitude from before to after the court or ADR process on their sense of hopefulness and possibility for resolution, the value of the relationship, and a sense that the court cares about resolving conflict. ADR was not found to have a significant impact on these outcomes. The fact that ADR was not found to be significant in this study does not mean that one can conclude that ADR does not have an impact on these outcomes. One can only conclude that in this relatively small data set, we are not able to confirm or reject whether there is a statistically significant relationship between ADR and these outcomes.

As noted earlier, this research explored whether ADR has a different impact for different demographic groups, including role as plaintiff, whether attorney representation was present, gender, economic status, race, nationality, age, and military service. In general we found almost no difference in the experience in ADR for the different demographic groups tested here. The exceptions are the following:

- 1) Plaintiffs are more likely to report expressing themselves in court than non-plaintiffs in court.
- 2) Non-plaintiffs more likely to report expressing themselves in ADR than plaintiffs in ADR.
- 3) Plaintiffs are somewhat more likely to report expressing themselves in court than in ADR.
- 4) Represented parties are more likely than non-represented parties to indicate they expressed themselves in court.
- 5) Represented parties are less likely than non-represented parties to report that they expressed themselves in mediation.
- 6) Represented parties are more likely to report that they expressed themselves in court than in ADR.
- 7) Age does not affect how participants who go through court report on whether issues are resolved or not; however, data indicates that older individuals are more likely to report that issues are resolved in ADR than are younger individuals.

Data Collection

In the District Court of Maryland, Day of Trial ADR services are offered according to a schedule of volunteer ADR practitioners. In Baltimore City, a practitioner is scheduled to be present for every afternoon civil docket at the Fayette Street Courthouse. In Montgomery County, practitioners are scheduled for small claims dockets on Thursday morning in Rockville Courthouse and on Friday morning at the courthouse in Silver Spring. ADR cases (the treatment group) for the study were selected from among these cases. Control cases were selected from these same dockets, on days when an ADR practitioner was not present to offer ADR services.

Careful efforts were made to ensure that control cases were qualitatively similar to the ADR cases in the study and would have been referred to ADR if services had been available.

For both treatment and control cases, surveys were conducted with plaintiffs, defendants, and any support people who attended with them. Surveys were only conducted if both the plaintiff and defendant agreed to participate. Support people were included because often those who were not named in the case but accompanied the plaintiff or defendant were key players in the conflict.

In any study that seeks to identify the impact of an intervention on a particular outcome, one needs to be careful to design the selection of the two groups such that they are as similar as possible, making it more likely that they vary only in the application of the intervention itself. At the very least, a researcher needs to design the study so that any significant differences between the groups are included in the analyses to determine their impact on the outcomes being measured.

Selection bias refers to the problem of designing a study where a comparison group is created by using individuals who voluntarily refused the treatment intervention. Many previous studies of ADR outcomes have compared participants who agreed to ADR services to participants who were offered and refused ADR services. In this research the problem of selection bias was handled in two ways. First, the individuals in the control (non-ADR) group were selected *by applying the same criteria for cases that would be offered ADR* on days when ADR was not available, thus they were never offered the treatment (ADR). In addition, because ADR is voluntary and some individuals were offered ADR and chose not to participate, we cannot know for sure whether those who ended up in the control group would have chosen to participate in ADR had they been given the choice. Therefore, the researchers reviewed case characteristics, demographics, and pre-test attitudinal variables to identify variables that might be different between the control group and the treatment group. The groups were determined to be generally comparable. Characteristics that were identified to be different between the two groups were included in the regression analysis to account for any possible difference. (For details on this or any aspect of the research methodology, please see the larger research final report.)

Limitations

The primary limitation of this study is the relatively small sample size. Because of the small sample size, we are not able to test for separate effects on all of the variables of interest. In several equations where ADR was not found to be significant, it appeared to be close to a reportable level of significance, and a larger sample size might allow for findings of additional areas where ADR impacts the outcomes of interest. A small sample size also limits the sub-analysis. For example, it might be interesting to divide the data set by county and measure if the impact of ADR is different in each county. We might also be able to do more with interaction variables with a larger data set in order to better understand how the experience in ADR or the standard court process might be different for people within different sub-groups.

One of the reasons for the small data set is that this particular study was part of a larger study that also involved observation of the ADR session. These observations will allow for an in-depth

analysis of how ADR practitioner interventions affect various outcomes (to be discussed in a separate report).

A future study looking only at the issues raised in this report could be conducted using similar methods to create a treatment and control group, but could be done on a larger scale if researchers were only collecting this survey data.

Recommendations

ADR is clearly connected to several positive outcomes related to resolution of issues, shifts in attitudes toward others in the conflict, taking of personal responsibility, empowerment, and satisfaction with the judiciary. The District Court of Maryland should continue to invest in the highly successful program of day of trial ADR and expand this program to jurisdictions where it is not currently operational. Furthermore, the district court should work to ensure that judges and court personnel understand that these positive impacts are found for ADR, separate from whether an agreement was reached. This will help create value and understanding for the process beyond whether or not participants reach an agreement.

Part 1: Introduction

This report focuses on one aspect of the larger research effort to measure the impact of alternative dispute resolution (ADR) on the experience of litigants in the District Court of Maryland. The research includes a comparison between individuals who used ADR and those who went through the standard court process without ADR. This report compares the survey results of ADR participants before and after the court process to those who did not use ADR. The analysis considers attitude toward the other participant, sense of empowerment, sense of responsibility, belief that the conflict has been resolved, and satisfaction with the judicial system. This study also tests whether participants' experiences with ADR is different for different demographic groups.

This research is unique and to our knowledge the only one in the country that compares the attitudes and changes in attitudes of participants who went through ADR to an equivalent comparison group who went through the standard court process. This study goes further to isolate the impact of ADR by gathering a wide range of demographic, personal, and attitudinal information about the participants so that these can be considered in the analysis. Many studies report the results of post-ADR evaluation forms. This study is radically different in that it includes changes from before and after ADR, and compares these results to cases that went through the standard court process. Further, it uses regression analysis to isolate the impact of ADR separate from all the other factors that might affect the outcome.

There are a range of factors that could affect the perspectives of interest: participants' roles in court; whether they are represented by an attorney; their general outlook before they got the court; the history of the relationship; the history of the conflict; and the type of case. In order to identify the impact of ADR itself, we need to isolate the effect of ADR while considering all other factors. Regression analysis allows us to do this. Results from regression analysis isolate the impact of a particular variable on the outcome we are measuring. Therefore, we can reach conclusions about the impact of ADR itself, confident that we are not inadvertently measuring one of these other factors.

One other unique aspect of this study is that we separate the impact of reaching an agreement from the impact of the ADR process. One criticism of some ADR studies is that participants can reach agreements on their own through direct negotiation, settling the case "on the courthouse steps". This critique assumes the value of mediation is only the agreement and that the agreement could potentially be reached without ADR. This study includes people who reached agreement in ADR and those who did not. The comparison group of people who went through the standard court process, includes people who reached an agreement before they went into court and those who did not. We created a variable for people who reached an agreement, whether in ADR or on their own, and include this in our regression analysis. This isolates the impact of the *process* of ADR, separate from its affect reaching an agreement.

It is important to note that we only make conclusions about outcomes which are statistically significant at a 95% confidence level. There are several more questions for which the average answers among those who went to ADR and those who went through the standard court process

are different, but if the difference was not found to be statistically significant when we take into account all of the important factors, then we do not report it as an outcome in this report.

We use logistical regression to analyze the impact of ADR on all measures with yes/no answers (e.g. “Did you take responsibility for your role in the situation?”). We use ordered logistical regression to analyze the impact of ADR on all measures with an ordered outcome, such as a five point scale of agreement (e.g. “I was able to express myself, my thoughts, and my concerns”). For all dependent variables with an ordered outcome, we also ran an ordinary least squares regression to check for consistent outcomes. We found consistent outcomes between the two and therefore only report the outcomes for the ordered logistical regressions. The logistical regression isolates the impact of ADR and determines if it is statistically significant and if it is positive or negative. We then calculate the predicted probability based on the outcomes of the regression analysis in order to quantify the impact of ADR. The predicted probability indicates the probability of getting a certain answer if someone goes through ADR compared to the standard court process, *holding constant for all other factors* in the equation.

ADR services within the district court program include both mediation and settlement conferences. The vast majority of cases considered here are mediation (80% in Baltimore, 97% in Montgomery County, and 88% overall), however, we consider the two processes together in comparison to the standard court process to which they are an alternative.

Part 2: Overview of Data and Data Collection Process

Data was collected for this study as part of the larger study. Four research assistants were trained to administer the survey instruments (found in Appendix F).

In the District Court of Maryland, day of trial ADR services are offered according to a schedule of volunteers. In Baltimore City, a volunteer ADR practitioner is scheduled to be present for every afternoon docket at the Fayette Street Courthouse, where civil cases in Baltimore City are heard. In Montgomery County, practitioners are scheduled to volunteer at small claims dockets at the Thursday morning docket in the Rockville Courthouse, and the Friday morning docket at the courthouse in Silver Spring. Treatment cases were selected from among these ADR cases. Control cases were selected from these same dockets, on days when an ADR practitioner was not present to offer ADR services.

Surveys were conducted with plaintiffs, defendants, and any support people who attended with them. Surveys were only conducted if both the plaintiff and defendant agreed to participate. Support people were included because often those who were not named in the case but accompanied the plaintiff or defendant were key players in the conflict. For example, a person named on a lease might be the party to the case, but his partner, who attends with him, is equally affected by what occurs in their home. In seeking to understand the impact of ADR on a conflict and on relationships, we included all who attended who might be involved in the conflict. Also, in some cases the support person may be influential to the outcome. For example, a younger person may bring a parent or mentor with them for guidance. The way in which this support person is affected by the process in which they participate will affect how they interact with and influence the outcomes of the situation. This data set included surveys from five people who were support people for plaintiffs and 14 people who were support people for defendants. Plaintiffs, defendants, and support people were asked how personally affected the support people were by the situation (0 = not personally affected; 1=less personally affected; 2= equally affected; 3 = more affected) and how influential they were to the decision-making (0 = not very influential; 1 = somewhat influential; 2= very influential). Of the plaintiffs and defendants who had support people present and answered these questions (total of 13), the average for the question about how affected their support people were was 1.7 and the average for how influential they were was 1.5. For those same support people, their average answer for how affected they were was 1.6 and the average for how influential was 1.7. In some cases, the support people did not want to participate in the survey. In these cases, the survey was still completed with the plaintiff and defendant.

Attorneys who were present were also interviewed with a survey that was very similar to the plaintiff and defendant. They were not, however, asked about their attitude toward the other participant or demographic information. As a result, they are not included in this analysis, as those variables are central to this component of the research. The results from their surveys will be used in other analyses.

ADR Cases

To select ADR cases to be studied, researchers were present on days when ADR practitioners were scheduled to appear. Once the ADR practitioner had received a case referral and solicited the parties' agreement to participate in ADR, researchers then requested the parties consent to participate in the research study.

In Baltimore City, ADR practitioners largely receive referrals from the courtroom clerk. On a typical afternoon three to five courtrooms were in session, all conducting small-claims or rent cases. The practitioner checked-in with the clerk in each courtroom. As participants arrived and reported to the courtroom clerk, the clerk set aside case files appropriate for ADR, for which both participants were present. As the ADR practitioner made the rounds through courtrooms, they collected those files and spoke to the participants about ADR. Consenting parties were then offered participation in the research study. ADR took place in a private room in another part of the courthouse.

In Montgomery County, two ADR practitioners were present for the docket, and received referrals directly from the sitting judge. The practitioner escorted participants to the hall to discuss ADR. Participants who agreed to use ADR were then offered participation in the research study and then escorted to the private room where the ADR process took place.

At times, the participants consented to the ADR and research, but the researchers were unable to observe (three cases required an interpreter, and five cases had more parties than could be accommodated). In other cases, the participants consented to ADR, but declined to participate in the research. In total, observation and surveys were conducted in 96 cases in Baltimore City and Montgomery County.

In both counties, pre-intervention questionnaires were given before the ADR process. At the conclusion of the process, participants were escorted back to the courtroom to either record their settlement or receive a verdict in their case. At the conclusion of the court process, post-intervention questionnaires were given.

The average length of the ADR process for the cases in this study was 56 minutes, with five minutes being the minimum and 155 minutes the maximum.

Control Cases in Baltimore City

To select control cases in Baltimore City, ADR services were suspended on Wednesday afternoons. Because there is no special or different docket on Wednesday afternoons, there is no reason to believe that these cases would be qualitatively different than cases on any other day of the week. During each Wednesday afternoon docket, and during any day where a practitioner could not be recruited, researchers solicited control cases. As researchers arrived, they checked in with the clerk in each courtroom, and requested files for any case appropriate for ADR, and for which both parties were present. As researchers made the rounds through courtrooms, they collected those files and spoke directly to the parties about participating in the research study.

At the onset of the research, the clerks were given information regarding how ‘ADR Days’ and ‘Research Days’ would differ. A handout was prepared and provided by the regional programs director assigned to the courthouse. The handout specified that criteria for ADR cases included: cases where both parties had appeared; cases where both parties are self-represented; and case types of small claims, contract, replevin/detinue, and all landlord-tenant matters (tenant holding over, breach of lease, and wrongful detainer). Additionally, the criteria included a reminder to “Please feel free to refer cases that have attorneys on one side or both. Because ADR is a voluntary process, the attorneys or their clients can decline to participate once the case is referred to the practitioner.” (The handout is included in Attachment F). This process allowed clerks to review cases in a standard way for referrals to both ADR and to the control group.

Over the course of the project, researchers found that parties recruited for control cases declined to participate more frequently than parties recruited for treatment cases. Generally, the reason given by potential participants in control cases was concern regarding the amount of time it would take and worry that it would slow down their court process overall. Even though they were informed that their case would not be delayed, the concern remained for some. Although all participants were told that they would receive a \$10 check for the follow-up phone survey, participants in control cases were also offered a \$10 gift card to a local retailer of their choice before leaving the courthouse. They were told of this incentive upfront, as part of the request for consent. We consider the possibility that this difference affects the comparison between the two groups through our tests for any possible selection bias below. We test and control for differences, as described later in this section.

Consenting participants and their attorneys were given the pre-intervention questionnaire in the hallway, and then escorted back into the courtroom, and their file returned to the clerk. At the conclusion of their court process, they were given the post-intervention questionnaire and a \$10 gift card.

Control Cases in Montgomery County

To select control cases in Montgomery County, ADR services were suspended on all small-claims dockets during October 2013 and approximately half the small-claims dockets during November and December 2013, in both the Rockville and Silver Spring courthouses.

Because cases in Montgomery County are referred to ADR directly from the judge, additional steps were taken to ensure comparable cases were selected. First, researchers and staff from the District Court ADR office approached the nine judges who rotate through small-claims courtrooms, asking them, “What is it about a case that helps you decide whether or not to refer it to ADR? In other words, what criteria make you likely to refer and what criteria make you likely not to refer?” Of the nine judges, four provided a written response. (Appendix E) Researchers also examined the case files for all ADR cases that had been observed to that point (39 cases), and tracked the same categories to examine whether the cases that actually received ADR services matched the criteria that the judges indicated that they used to refer cases. These cases matched the criteria provide by the judges, thus confirming that we had identified an accurate set of criteria to use to collect control cases.

Researchers then examined the original filings for cases set for trial dockets on the selected days, to see which cases fit the combined criteria from the judges and the criteria developed from the 39 cases that had been incorporated into the treatment group to that point. To do this, two researchers reviewed all files set for trial on the upcoming small claims docket for which no ADR practitioner would be present. The researchers tracked categories of representation (looking first for self-represented cases, and secondly cases with only one side represented); type of claim (discounting personal injury with liability in dispute, auto negligence, and filings with any reference to weapons crimes, physical violence, or mental illness); type of relationship, if specified (business, co-workers, family, neighbors, etc.); and a brief summary of the claims made.

Those cases deemed appropriate were identified for court staff by placing a purple sheet labeled “ADR Research” inside the case file, and names of parties and attorneys were recorded. On the day of trial, researchers approached the parties and attorneys for each selected case prior to court opening, and conducted pre-intervention questionnaires with all consenting parties. Before the court session began, a researcher made an announcement in the courtroom that surveys were being conducted, and sent any party who had not yet completed the survey into the hall to do so. As roll was called in the courtroom, the clerk and researchers worked together to ensure that all selected parties had been given the opportunity to participate in the study. Parties were told upfront they would receive a \$10 gift card for their participation. Of those cases selected, approximately half would have both sides appear in court on the day of their trial. Only cases where all parties appeared were surveyed. Of the cases where both parties appeared, almost all consented to participate in the research. After the questionnaires were administered, all parties returned to the courtroom. As each case was heard and concluded, researchers were waiting in the hall to give the post-intervention questionnaire and a \$10 gift card to a local retailer to each participant.

Overview of Participating Cases

Table 1 shows a comparison between the ADR and control cases in Baltimore City and Montgomery County, by a number of characteristics:

Table 1: *Comparison of Characteristics of ADR and Control Cases*

Characteristic	Baltimore City Mediated	Baltimore City Control	Montgomery Mediated	Montgomery Control
TOTAL # Cases	51	63	45	38
Contract	56.9%	41.3%	88.9%	100%
Breach of Lease	2.0%	12.7%	0.0%	0.0%
Detinue	2.0%	4.8%	0.0%	0.0%
Forcible Detainer	13.7%	7.9%	0.0%	0.0%
Replevin	3.9%	0%	0.0%	0.0%
Tenant Holding Over	11.8%	22.2%	0.0%	0.0%
Tort	2.0%	0%	11.1%	0.0%
Wrongful Detainer	7.9%	11.1%	0.0%	0.0%
Both sides represented	0.0%	0.0%	2.2%	0.0%

One side represented	7.8%	6.4%	35.6%	36.8%
Both sides self-represented	92.2%	93.7%	62.2%	63.2%

Table 2 outlines the legal outcomes of the cases that are included in this study. It reports that 53% of ADR cases reached a negotiated agreement through the process, while 16% of control cases reached a negotiated agreement on their own. This is taken into consideration in the analysis, in that we control for whether an agreement was reached in order to isolate the effect of ADR regardless of whether participants were able to reach an agreement.

Table 2: *Legal Outcomes of the ADR and Control Cases*

Case Types	Total Number	Negotiated Agreement	Trial Verdict	Other*
All cases	197	67 (34.0%)	108 (54.8%)	22 (11.2%)
All ADR cases	96	51 (53.1%)	38 (39.6%)	7 (15.8%)
All control cases	101	16 (15.8%)	70 (69.3%)	15 (14.9%)
All Montgomery County cases	83	31 (37.3%)	48 (57.8%)	4 (4.8%)
All Baltimore City cases	114	36 (31.6%)	60 (52.6%)	18 (15.8%)
Montgomery County Treatment	45	21 (46.7%)	21 (46.7%)	3 (5.9%)
Montgomery County Control	38	10 (26.3%)	27 (71.1%)	1 (2.6%)
Baltimore City Treatment	51	30 (58.8%)	17 (33.3%)	4 (7.8%)
Baltimore City Control	63	6 (9.5%)	43 (68.3%)	14 (22.2%)

*The category of 'other' includes cases that were neither settled through negotiated agreement nor received a trial verdict. These cases were postponed, dismissed for improper filing (e.g., forcible entry cases filed as tenant holding over), or dismissed with stipulations from the judge (e.g., an agreement to a payment plan, to vacate in 15 days).

Data Set

Table 3 lists the variable names used in this analysis and defines each one or provides the question from the survey which was used to create it.

Table 3: *Descriptive Definition of Variables*

Variable Name	Definition or Question Text
Pre-Intervention Measures	
ADR	Case attended a settlement conference or mediation session
Jurisdiction in which case was filed	
Baltimore City	Case filed in Baltimore City
Montgomery	Case filed in Montgomery County
Type of case filed	
Breach of Lease	Gathered from filing documents

Variable Name	Definition or Question Text
Contract	Gathered from filing documents
Dentinue	Gathered from filing documents
Forcible Entry and Detainer	Gathered from filing documents
Replevin	Gathered from filing documents
Tenant Holding Over	Gathered from filing documents
Tort	Gathered from filing documents
Wrongful Detainer	Gathered from filing documents
Role in Court Case	
Plaintiff	Are you the plaintiff, the person who filed?
Defendant	Are you the defendant, the person who responded?
Plaintiff Support	Are you a support person for the plaintiff?
Defendant Support	Are you a support person for the defendant?
Plaintiff Attorney	Are you the attorney for the plaintiff?
Defendant Attorney	Are you the attorney for the defendant?
Representation	
Represented	Are you being represented by a lawyer?
Consult Counsel	If no, did you consult with a lawyer before coming today?
Support Present	Do you have anyone else with you today, such as a support person or advocate?
Prior Experience and Case History	
Prior Conversation	Prior to today, have you had a conversation with the other person/people involved in this case to try to resolve these issues?
Pre-Responsibility Level	Do you think you are not at all responsible, somewhat responsible, or fully responsible for what happened?
Length of Conflict	How long have the issues that brought you to court been going on (in months)?
Police Involvement	Have the police been called?
Related Case	Other than today's court case, have other cases been filed related to the issue that brought you to court today?
Level of Agreement (5) or Disagreement (1) with the following statements:	
Feel Prepared	I feel prepared to go to trial.
Clear Idea	I have a clear idea of what I want to get from today's mediation or settlement conference ² (asked of cases in ADR)/I have a clear idea of what I want to get from today's court process (asked of cases in trial)
Pre-Number of Ways to Resolve	I think there are a number of different ways to resolve the issues that brought me to court today.
Pre-My Needs Important	It's important that I get my needs met in the issues that brought me to court today.

² Researchers used phrase "mediation" or "settlement conference," according to the ADR process offered in all questions marked "asked of cases in ADR".

Variable Name	Definition or Question Text
Pre-Important to Understand Other	It's important that I understand what the other person/people want in the issues that brought me to court today.
Pre-Learn They Are Wrong	The other person/people need to learn that they are wrong in the issues that brought me to court today.
Pre-Their Needs Important	It's important the other person/people get their needs met in the issues that brought me to court today.
Pre-Positive Relationship	It's important for me to have a positive relationship with the other person/people involved in the issues that brought me to court today.
Pre-No Control	I feel like I have no control over what happens in the issues that brought me to court today.
Pre-Wants Opposite	The other person/people involved in the issues that brought me to court today want the exact opposite of what I want.
Pre-Can Talk about Concerns	I can talk about my concerns to the other person/people involved in the issues that brought me to court today.
Pre-No Difference	It doesn't seem to make any difference what I do in regard to the issues that brought me to court today; it'll just remain the same.
Pre-Conflict Negative	In general, conflict is a negative thing.
Pre-Court Cares	The court system cares about helping people resolve disputes in a fair manner.
Demographics	
Male	Are you male or female?
Female	Are you male or female?
Age	How old were you on your last birthday?
Below Poverty ³	Household income below Federal poverty line
Below 125% Poverty	Household income below 125% of Federal poverty line
Below 50% MD	Household income below 50% of Maryland median income
Below MD Med	Household income below Maryland median income
Below 150% MD	Household income below 150% of Maryland median income
White	What is your race?
Black	What is your race?
Hispanic	What is your race?
Asian	What is your race?
Born in US	Were you born in the United States?
Military	Do you have a military background? Veteran or active duty?
Disability	Do you have any disabilities?
Relationship to Other Party in Case:	
Friends	Friend/Acquaintance
Boy/Girl	Boy/Girlfriend
Ex-Boy/Girl	Ex-boy/girlfriend
Spouses	Domestic Partners/Spouses

³ To create the income based variables, participants were asked their household income and their household size. Researchers then used this data to determine which of the classifications above fit for that household.

Variable Name	Definition or Question Text
Divorced	Separated/Divorcing
Other Family	Other Family
Employee	Employer/Employee
Former Employee	Former Emp/Employee
Co-workers	Co-workers
Neighbors	Neighbors
Roommates	Room/Housemates
Strangers	Strangers
LLT	Landlord/Tenant
Business	Customer/Business
Post-Intervention Measures	
Level of Agreement (5) or Disagreement (1) with the following statements:	
Post-I Could Express Myself	I was able to express myself, my thoughts, and my concerns during the mediation or settlement conference (asked of cases in ADR)/ I was able to express myself, my thoughts, and my concerns during the court process (asked of cases in trial)
Post-I Became Clearer	Through mediation or settlement conference, I became clearer about what I want in this situation (asked of cases in ADR)/Through the court process, I became clearer about what I want in this situation (asked of cases in trial)
Post-Other Better Understands Me	Through the mediation or settlement conference, I think the other person/people involved understand me better (asked to cases in ADR)/Through the court process, I think the other person/people involved understand me better (asked of cases in trial)
Post-I Better Understand Other	Through the mediation or settlement conference, I think I understand the other person/people involved in the conflict better (asked of cases in ADR)/Through the court process, I think I understand the other person/people involved in the conflict better (asked of cases in trial)
Post-Underlying Issues	I think all of the underlying issues in this conflict came out in the mediation or settlement conference (asked of cases in ADR)/ I think all of the underlying issues in this conflict came out in the court process (asked of cases in trial)
Post-Other Person Listened	The other person listened to me.
Post-Outcome is Fair	I think the outcome reached today is fair.
Post-Can Implement Outcome	I think I can implement the results of the outcome reached today.
Post-Satisfied with Judiciary	I am satisfied with my interactions with the judicial system during this case (collapsed to 0,1,2 from 5-point scale so 1,2 =0; 3=1; 4,5 =2)
Resolution and Responsibility:	
Post-Issues Resolved	Do you think the issues that brought you to court today are resolved?

Variable Name	Definition or Question Text
Post-Responsibility Level	Do you think you are not at all responsible, somewhat responsible, or fully responsible for what happened?
Post-I Took Responsibility	I acknowledged responsibility
Post-I Apologized	I apologized
Post-Other Took Responsibility	The other people/person acknowledged responsibility
Post-Other Apologized	The other people/person apologized
Post-No Apology or Responsibility	Neither of us acknowledged responsibility or apologized.
Difference in values from pre-intervention to post-intervention (Created by subtracting the answer given before the intervention from the answer given after the intervention)	
Difference-Level of Responsibility	Do you think you are not at all responsible, somewhat responsible, or fully responsible for what happened?
Difference-Number of Ways	I think there are a number of different ways to resolve the issues that brought me to court today.
Difference-My Needs	It's important that I get my needs met in the issues that brought me to court today.
Difference-Important to Understand Other	It's important I understand what the other person/people want in the issues that brought me to court today.
Difference-Learn They Are Wrong	The other person/people need to learn that they are wrong in the issues that brought me to court.
Difference-Their Needs	It's important that the other person/people get their needs met in the issues that brought me to court.
Difference-Positive Relationship	It's important for me to have a positive relationship with the other person/people involved in the issues that brought me to court today.
Difference-No Control	I feel like I have no control over what happens in the issues that brought me to court today.
Difference-Wants Opposite	The other person/people involved in the issues that brought me to court today want the exact opposite of what I want.
Difference-Can Talk Concerns	I can talk about my concerns to the person/people I have conflict with.
Difference-No Difference	It doesn't seem to make any difference what I do in regard to the issues that brought me to court today, it'll just remain the same.
Difference-Conflict Negative	In general, conflict is a negative thing.
Difference-Court Cares	The court system cares about helping people resolve disputes in a fair manner.
Agreement Outcome:	
ADR – agreement	Case attended an ADR session, and reached an agreement
Control – agreement	Case did not attend ADR and reached a negotiated agreement

Variable Name	Definition or Question Text
Legal Filing:	
Negotiated Agreement	Case dismissed upon stipulated terms (3506-B), through ADR or direct negotiations

Table 4 provides the descriptive and summary statistics for each variable. N is the number of people for whom we have data for that variable. Since some individuals did not answer some of the questions, we have a different N for different variables. For binary variables (i.e. those with the possibilities of yes or no), we provide the percent of observations that fall in the particular category and the raw number that fall into that category in the Frequency (Freq.) column. For continuous or multi-level variables (e.g. scale of 1-5 or age), we provide the range, mean, and standard deviation. The mean is the mathematical average and SD is the standard deviation, which shows the magnitude of range from the average.

Table 4: *Descriptive and Summary Statistics for Each Variable*

Variable Name	N	Freq.	Percent	Range	Mean (SD)
Pre-Intervention Measures					
ADR		235	51%		
Jurisdiction Where Case Was Filed	461				
Baltimore City		263	57%		
Montgomery		198	43%		
Type of Case Filed	461				
Breach of Lease		23	05%		
Contract		318	69%		
Dentine		9	02%		
Forcible Entry and Detainer		23	05%		
Replevin		5	01%		
Tenant Holding Over		46	10%		
Tort		14	03%		
Wrongful Detainer		23	05%		
Role in Court Case	418				
Plaintiff		184	44%		
Defendant		184	44%		
Plaintiff Support		4	1%		
Defendant Support		13	3%		
Other		0	0%		
Plaintiff Attorney		23	5%		
Defendant Attorney		14	3%		
Representation					
Represented		52	14%		
Consult Counsel		57	18%		
Support Present		92	27%		
Prior Experience and Case History					

Variable Name	N	Freq.	Percent	Range	Mean (SD)
Prior Conversation		205	55%		
Pre-Responsibility Level	378			0 to 2	.37 (.61)
Length of Conflict (in months)	368			1 to 240	13.68 (22.68)
Police Involvement		64	17%		
Related Case		53	14%		
Level of Agreement (5) or Disagreement (1) with the following statements:					
Feel Prepared	398			1 to 5	4.05 (.87)
Clear Idea	412			1 to 5	4.30 (.80)
Pre-Number of Ways to Resolve	384			1 to 5	3.88 (.99)
Pre-My Needs Important	386			1 to 5	4.37 (.61)
Pre-Important to Understand Other	383			1 to 5	3.72 (1.08)
Pre-Learn They Are Wrong	385			1 to 5	4.06 (1.02)
Pre-Their Needs Important	382			1 to 5	3.20 (1.17)
Pre-Positive Relationship	384			1 to 5	3.14 (1.16)
Pre-No Control	383			1 to 5	3.16 (1.24)
Pre-Wants Opposite	384			1 to 5	3.78 (.92)
Pre-Can Talk about Concerns	384			1 to 5	3.00 (1.21)
Pre-No Difference	377			1 to 5	3.13 (1.12)
Pre-Conflict Negative	381			1 to 5	3.73 (1.06)
Pre-Court Cares	381			1 to 5	3.82 (.87)
Demographics					
Gender	387				
Male		190	49%		
Female		197	51%		
Age	386			17 to 90	46.63 (14.08)
Below Poverty ⁴		76	24%		
Below 125% Poverty		98	31%		
Below 50% MD		168	53%		
Below MD Med		242	76%		
Below 150% MD		286	85%		
Race	384				
White		115	30%		
Black		223	58%		
Hispanic		15	4%		
Asian		15	4%		
Other		15	4%		
Born in US		199	79%		
English Proficiency	384			0 to 3	2.85 (.39)
Military		36	9%		
Disability		61	16%		
Relationship to Other Party:	379				

⁴ To create the income based variables, participants were asked their household income and their household size. Researchers then used this data to determine which of the classifications above fit for that household.

Variable Name	N	Freq.	Percent	Range	Mean (SD)
Friends		23	6%		
Boy/Girl		4	1%		
Ex-Boy/Girl		8	2%		
Spouses		4	1%		
Divorced		4	1%		
Other Family		30	8%		
Employee		4	1%		
Former Employee		4	1%		
Co-workers		8	2%		
Neighbors		8	2%		
Roommates		4	1%		
Strangers		11	3%		
LLT		133	35%		
Business		106	28%		
Post-Intervention Measures					
Level of Agreement (5) or Disagreement (1) with the following statements:					
Post-I Could Express Myself	345			1 to 5	4.13 (0.88)
Post-I Became Clearer	360			1 to 5	3.82 (0.92)
Post-Other Better Understands Me	343			1 to 5	3.1 (1.12)
Post-I Better Understand Other	344			1 to 5	3.19 (1.16)
Post-Underlying Issues	373			1 to 5	3.58 (1.11)
Post-Other Person Listened	342			1 to 5	3.21 (1.11)
Post-Outcome is Fair	362			1 to 5	3.67 (1.21)
Post-Can Implement Outcome	328			1 to 5	3.86 (0.89)
Post-Satisfied with Judiciary	361			1 to 5	1.7 (0.66)
Negotiated Agreement	461			1 to 5	0.347 (0.477)
Resolution and Responsibility:					
Post-Issues Resolved	363			0 to 2	1.32 (0.86)
Post-Responsibility Level	336			0 to 2	0.46 (0.64)
Post-I Took Responsibility		101	36%		
Post-I Apologized		71	21%		
Post-Other Took Responsibility		122	36%		
Post-Other Apologized		80	24%		
Post-No Apology or Responsibility		167	46%		
Difference in values from pre-intervention to post-intervention (Created by subtracting the answer given before the intervention from the answer given after the intervention)					
Difference-Level of Responsibility	319			-2 to 2	0.09 (0.51)
Difference-Number of Ways	329			-4 to 3	-0.1 (1.11)
Difference-My Needs	333			-4 to 3	-0.19 (0.71)
Difference-Important to Understand Other	329			-4 to 3	-0.04 (1.05)
Difference-Learn They Are Wrong	327			-4 to 3	-0.21 (0.96)
Difference-Their Needs	328			-4 to 3	-0.17 (1.04)
Difference-Positive Relationship	327			-4 to 4	-0.15 (1.34)

Variable Name	N	Freq.	Percent	Range	Mean (SD)
Difference-No Control	325			-4 to 4	-0.17 (1.39)
Difference-Wants Opposite	325			-4 to 4	-0.14 (1.38)
Difference-Can Talk Concerns	329			-4 to 4	-0.14 (1.27)
Difference-No Difference	322			-4 to 3	-0.05 (1.24)
Difference-Conflict Negative	322			-4 to 4	-0.14 (0.85)
Difference-Court Cares	321			-4 to 3	-0.01 (0.89)
Agreement Outcome:					
ADR – agreement		123	27%		
Control – agreement		37	8%		
Legal Filing:					
Negotiated Agreement		160	35%		

Consideration of Possible Selection Bias

In any study that seeks to identify the impact of an intervention on a particular outcome, one needs to be certain that the two groups being compared are equivalent in all ways other than the receipt of the “treatment” (in this case, ADR). At the very least, a researcher needs to be sure that differences between the groups are not causing the changes to the outcomes being measured. This study was able to control for any possible selection bias, the methods of which are detailed below.

The detailed and considered process of control group creation prevents the classic selection bias problem where the control group is made up of individuals who chose not to access the treatment. In this case the individuals in the control group were selected in the same way the individuals in the treatment group might have been selected and they were not offered the treatment. Because ADR is voluntary and some individuals were offered ADR and chose not to participate, we cannot know for sure whether those who ended up in the control group would have chosen to participate in ADR had they been given the choice. Therefore, we review case characteristics, demographics, and pre-test attitudinal variables with a difference of means and chi-squared tests to identify variables that might be different between the control group and the treatment group. The table in Appendix B presents the chi-squared and t-test for difference of means for variables with a significant difference of $p < .10$ using a two tailed test. In general in this research we use $p < .05$ as the threshold for considering an outcome to be significant. Because we want to be especially sensitive to and account for possible differences in the two groups, we use the more conservative higher level of probability to check for differences.

Below we discuss the areas of difference and how they will be addressed.

Jurisdiction: Due to logistical factors and time limitations on the research, there are slightly more treatment cases in Montgomery County and slightly more control cases from Baltimore City. Throughout the following analysis we will account for the possible jurisdictional differences by including a dummy variable for the jurisdiction.

Type of Case Filed: Contract cases were more likely to be found in the treatment group. There was also a difference in Breach of Lease, Replevin, and Tort cases. There were few Breach of Lease (9), Replevin (2), and Tort (6) cases relative to the overall case load. Therefore, we will primarily control for Contract cases in our analysis.

Legal Representation: There was no significant difference between the control and treatment group in representation on the day of the trial. Individuals in the control group were more likely to have consulted counsel in advance and were more likely to have a support person other than counsel present. Both of these are considered in the analysis below and controlled for in the various models.

Attitudinal Measures: There were a number of differences between the control and treatment group in the attitudinal measures in the pre-test. While one would imagine that the treatment group might overall have a “better attitude” because those individuals are more likely to choose to participate in ADR, this is not consistently the case. Individuals in the control group are more likely than individuals in the treatment group to indicate that they have a clear idea about what they want out of the process; more likely to believe there are a number of ways to resolve the situation; more likely to report that it’s important for them to get their needs met; more likely to believe the other person needs to learn they are wrong; more likely to report that it is important to have a positive relationships with the other participant; more likely to believe they have no control in the situation; more likely to believe the other person wants the opposite of what they want; less likely to believe they can talk about their concerns with the other person; and more likely to believe it makes no difference what they do in the situation. Although for many measures representing hopelessness about the situation, the control group is more likely to agree with the hopeless statement, at the same time they are also more likely to agree that there are a number of ways to resolve the situation. Similarly, while they are less likely to believe they can talk out their concerns with the other participant, they are more likely to agree that it’s important to have a positive relationship with the other participant.

As a result, we are not able to make a clear conclusion about differences in hopefulness or value of the relationship between the two groups. Instead, we will do further analysis below to explore which of these attitudinal variables predicts ADR in a logistical regression model and also consider which of them affects the outcomes of interest.

Demographic Measures: Older people, white people, and those born in the US are more likely to be in the treatment group than in the control group. Individuals in households below the poverty line and below 125% of the poverty line are more likely to be in the control group than in the treatment group. This may be a result of the different demographics in Baltimore and Montgomery County and the fact that more treatment cases came from Montgomery County. One explanation for the finding that there are more individuals in the treatment group below poverty is the fact that when individuals were invited to participate in the control study, they were offered a \$10 gift card for completing the interview on the day of trial, as well as the \$10 check for participating in the follow up phone interview three months later. We will test for this below and mitigate any differences by controlling for demographics throughout.

Relationship to the Other Party: In general there were not statistically significant differences in the control and treatment groups in terms of relationship to the other party. The only relationship variable with a difference was roommates, for which there are only five observations total. This is not a large enough sample to test for differences.

Summary Attitudinal Variables

In order to consider the attitudinal variables in the analysis, we chose to combine the variables to measure broader concepts. This allows for a more streamlined analysis and creates continuous rather than step variables. Based on theory, we want to combine *Pre-My Need Important* with *Pre-Learn They Are Wrong* as this combined variable would measure a combination of focusing on ones' own needs and believing that the other does not have a legitimate claim to their perspective. Although these measure different ideas, the combination allows us to explore the cross section of the two. We call this new variable *See it My Way*. We also want to combine *Pre-No Control*, *Pre-No Difference*, and *Pre-Wants Opposite* to create a measure of a sense of hopelessness and powerlessness about the situation. We call this new variable *Hopeless*. The combination of *Pre-Number of Ways* and *Pre-Positive Relationship* creates a variable that measures a sense of possibility and commitment to engaging with the other person in the conflict. We call this variable *Positive Possibilities*. Finally, the combination of the variable *Pre-No Difference* and a flip of the values of *Pre-Can Talk* so that it measures *Can't Talk* provides a measure of the sense that conversations with the other person will not help fix the problem. This new variable is called *Nothing Helps*.

The combination of these variables is theoretically based; however, there are two statistical methods we can use to check to see if we will lose important information in the combination. First, we note that each set of combined variables have a statistically significant difference of means between the control and treatment group in the same direction. Second, we check for correlation and note that all correlations (while relatively low) are statistically significant and positive.

Correlation Coefficient for *Pre-My Need Important* with *Pre-Learn They Are Wrong*: 0.27**

Correlation Coefficient for *Pre-Number of Ways* and *Pre-Positive Relationship*: 0.17**

Correlation Coefficient for *Pre-No Difference* and *Can't Talk*: .18**

Correlation Coefficient for *Pre-Wants Opposite* and *Pre-No Control*: 0.17**

Correlation Coefficient for *Pre-Wants Opposite* and *Pre-No Difference*: 0.16**

Correlation Coefficient for *Pre-No Difference* and *Pre-No Control*: 0.19**

* Significant at $p < .05$ ** Significant at $p < .01$

Thus we rule out any statistical reasons that we cannot go forward with the combinations. Below are the definitions for the newly created variables.

Table 5: *Definitions for New Variables*

New Variable	Definition
Pre-Intervention Measures	
Average of Level of Agreement (5) or Disagreement (1) with the following statements:	

New Variable	Definition
See it My Way	AVERAGE of “It’s important that I get my needs met” and “The other person needs to learn that they are wrong”
Hopeless	AVERAGE of “I feel like I have no control over what happens”, “The other person wants the exact opposite of what I want,” and “It doesn’t seem to make any difference what I do it will just remain the same.”
Positive Possibilities	AVERAGE of “I think there are a number of different ways to resolve the issues” and “It’s important to me to have a positive relationship with the other person involved.”
Nothing Helps	AVERAGE of “It doesn’t make any difference what I do in regard to this situation, it will just remain the same,” and “I cannot talk about my concerns to the person involved.” (Created by switching the order of the answers to “I can talk about my concerns to the other person involved”)

Table 6 provides the descriptive and summary statistics for the new variables.

Table 6: *Descriptive and Summary Statistics for New Variables*

New Variable	N	Freq.	Percent	Range	Mean (SD)
Pre-Intervention Measures					
Average of Level of Agreement (5) or Disagreement (1) with the following statements:					
See it My Way	387			2 to 5	4.21 (.66)
Hopeless	387			1.33 to 5	3.36 (.74)
Positive Possibilities	387			1 to 5	3.52 (.83)
Nothing Helps	387			1 to 5	3.07 (.91)

Difference between Treatment and Control Groups Post-Intervention

Next we examined the post-intervention outcomes. We begin by looking at differences between the ADR and control groups in these post-intervention variables. The tables in Appendix B show the difference of means and chi-squared tests for the post-intervention outcome measures.

Post-Test Experience: Those who participated in ADR were more likely to report that the other person listened, the underlying issues came out, the other person better understands me, I better understand the other person, I could express myself, I can implement the outcome, and satisfaction with the judicial system.

In measures of resolution and responsibility, individuals in the treatment group are more likely than those in the control group to report that the issues were resolved, that they took responsibility, that the other person took responsibility, that the other person apologized, and less likely to report that no one apologized.

When calculating the difference in the attitudinal measures from before to after the mediation, individuals in the treatment group had a larger shift towards agreement with the statement “it’s important that they get their needs met” and a larger shift toward disagreement with the statements “the other person wants the opposite of what I want” and “I feel like I have no control

over the situation.” This is measured by subtracting the answer to these questions after ADR or court process from the answers to the same question before the process.

Our following analysis will further test these differences to determine when ADR predicts these outcomes while holding constant for other possible factors.

Part 3: Building the Model

As explained above, there is not a clear pattern that would indicate a concern for selection bias. Still, we choose to further examine two equations with ADR as the dependent variable to explore which of the variables with different means might predict ADR participation.

Table 7: *Logistical Regression Results: Pre-test Variables with Differences in Means on ADR and Demographic Variables on ADR*

	Test Variables on ADR	Test Variables and Demographics on ADR
Baltimore City	.00 (0.00)	.08 (0.20)
Contract	.06 (0.19)	-.19 (-0.48)
Consult Counsel	-.62 (-1.73)	-.41 (-1.03)
Support Person	-.15 (-0.51)	-.01 (-0.29)
Clear Idea	-.49 (-2.67**)	-.50 (-2.57*)
See it My Way	-.64 (-2.86**)	-.52 (-2.06*)
Positive Possibilities	-.45 (-2.58**)	-.39 (-1.93)
Nothing Helps	-.19 (-1.06)	-.05 (-0.22)
Hopeless	-.36 (-1.59)	-.50 (-1.84)
Length of Conflict	-.01 (-0.62)	-.00 (-0.49)
Police Called	-.50 (-0.41)	-.37 (-0.84)
Related Case	-.01 (-0.02)	-.07 (-0.16)
Age		.023 (2.08*)
Below Poverty		-.82 (-2.20*)
White		-.12 (-0.30)
Born in the US		.76 (1.90)
Constant	8.39 (5.57)	6.37 (3.44)
Number of Observations	280	235
Pseudo R-squared	0.1333	0.1718

* Significant at $p < .05$ ** Significant at $p < .01$

In this first column of results, labeled “Test Variables on ADR”, we see a strong negative association between ADR and the following variables:

- 1) *Clear Idea*
- 2) *See it My Way*
- 3) *Positive Possibilities*

In the second column, labeled “Test Variables and Demographics on ADR”, we consider the same attitudinal variables and also add demographic variables.

In addition to the attitudinal variables, the coefficient on the *Age* variable indicates that older people are more likely to be in the treatment group and those below the poverty line are less likely to be in the treatment group. Because there are more missing values for demographic variables (as some individuals chose not to disclose that information), the sample size drops from 280 to 235 when adding the demographic variables.

One explanation for the finding that there are more individuals in the treatment group below poverty is the fact that when individuals were invited to participate in the control study, they were offered a financial incentive, specifically, they could receive a \$10 gift card for completing the interview on the day of trial, and a \$10 check for participating in the follow up phone interview three months later. This policy was implemented toward the beginning of the research when research assistants found it hard to get participation in the control study. Those participating in the ADR service were invited to participate in the study but were not offered a \$10 gift card to participate in the study on the day of court. They were offered a \$10 check when they completed their phone interview three months later. This was a programmatic decision. The ADR Office in the district court is committed to ensuring that ADR is voluntary. They did not want to create a financial incentive to participate in ADR through a \$10 incentive for the research. In general, we still had a higher rate of agreement to participate in the research among ADR participants. We don’t think the \$10 incentive affects the outcomes significantly, although it may be a factor in why there are more individuals in the control group who live in a household with an income below poverty.

We also tested whether the variables which have significant difference of means between the two groups have a significant effect on the outcomes of interest without including the ADR variable. Demographic variables were also included. The tables listing the outcome of this analysis can be found in Appendix C. Here we discuss the outcome to those tests.

I Expressed Myself: Plaintiff and the pre-intervention level of responsibility have a positive and significant effect on *I Expressed Myself*.

Underlying Issues: Individuals who consulted counsel before coming to court are less likely to indicate that the underlying issues came out in ADR or court. Individuals involved in longer conflicts are more likely to indicate that the underlying issues came out.

Issues Resolved: Below Poverty and *See it My Way* have negative and significant effects on *Issues Resolved*.

Difference in Level of Responsibility: Men were more likely to increase the level of responsibility that they reported after compared to before the court or ADR.

Difference – Learned Wrong: Participants who were more likely to report that it's important to get their needs met in the pre-test were more likely to shift toward disagreement with the statement "the other person needs to learn they are wrong" from before to after the court process.

No Responsibility or Apology: *Pre-Level of Responsibility* has a negative and significant effect on *No Responsibility or Apology*; and *Related Case*, *Below Poverty* and *White* have a positive and significant effect.

I acknowledged responsibility: *Pre-Responsible* and *Male* have a positive and significant effect on *I Acknowledged Responsibility*; and *Related Case* and *White* have a negative effect.

Conclusion: The primary attitudinal measures which seem to be different for the treatment and control group are *Clear Idea* (-), *Positive Possibilities* (-), and *See it My Way* (-). This particular mix does not seem to reflect one type of attitude. For example, one would expect that someone who is hopeful about having different possible solutions and desires a positive relationship with the other participant would not also believe that the other person needs to learn that they are in error. Therefore, we assume there is not a particular type of attitude we encounter in the treatment group that is different from the control group. When we include these variables in the equations to predict the outcomes of interest, they are often not significant. Predicting each of the outcomes without ADR in the equation provides information about what additional variables should be included in the analysis when we test for the impact of ADR. We are able to hold constant for these variables to isolate the effect of ADR.

The primary demographic measures that are significantly different in the ADR and treatment group are *Age* (with older people more likely in the treatment group) and *Below Poverty* (with people below poverty more likely in the control group). Gender, age, race, and poverty level have effects on some of the outcomes of interest. These demographic measures will be controlled for in the equations below which measure the impact of ADR.

Part 4: Impact of ADR

The tables below show the output for the analysis testing the impact of ADR on the various attitudinal outcomes. For dependent variables which are ordinal (e.g. answers are 1, 2, 3, 4, or 5), we used both ordinary least squares and ordered logistical regression. When both demonstrate a statistically significant effect of ADR, it increases our confidence in the conclusions. For all the variables reported on, both demonstrated statistically significant results. We have only included the results for the ordered logistical regressions. For binary dependent variables (i.e. 0 or 1), we only use the logistical regression. For ordinal dependent variables, the difference between which we can't assume to be equal (e.g. yes, partial, no) we used ordinary least squares, ordered logistical regression, and multinomial logistical regression. The latter compares two of the three outcomes to the third and so can sometimes be difficult to interpret. Here we look for consistency in outcome for the three different tests.

In the equations below, we include some pre-test attitudinal measures that were found to be significant in the testing described above. Because there are differences between the control and treatment group for *See it My Way*, *Clear Idea*, and *Positive Possibilities*, they are included in the model.

We also include the variable *Police Called* as a measure of the level of escalation of the conflict. In addition, we include *Length of Conflict*, to consider the ripeness question. There are a range of theories about the appropriate timing of ADR in terms of the ripeness of the conflict. While research differs in its conclusion of the appropriate timing, most conclude that timing matters; therefore, we consider it in the analysis below. We also include whether the participants were represented by an attorney on the day of court, as this may influence how they perceive their experience in ADR or in trial.

For the questions about individual's taking responsibility or apologizing, we also included a variable measuring whether there was a related case elsewhere in the court system (self-reported by participants). We might expect that people will be less likely to acknowledge responsibility if they are concerned that this will be used against them in some other case. We also include the level of responsibility reported before the intervention for two of the responsibility models (I took responsibility, no one took responsibility). It is not included in the model for *Difference in Level of Responsibility* because the variable *Pre-Level Responsibility* was used to create the Difference variable and therefore cannot be used as an independent variable in that model.

Consult Counsel was found to have a negative and significant effect on *Underlying Issues* in the table which can be found in Appendix C. Therefore, we include *Consult Counsel* in the model measuring the impact of ADR on *Underlying Issues*. We also include it in the model for *Issues Resolved*, as these two outcomes may be related.

In Table 8, we measure the effect of ADR on *Negotiated Agreement*. After that, we include *Negotiated Agreement* in the equations as a control variable. Some participants in the control group resolved the issues before their case was called and registered their resolution in the court records as a negotiated agreement. All agreements reached in mediation were registered in the

court records as negotiated agreement. There is some debate in the field about whether ADR itself supports positive outcomes, or if participants would have the same outcomes as long as they reach an agreement, no matter how that occurs. Controlling for the *Negotiated Agreement* in all of these equations allows us to isolate the impact of ADR itself, separate from its value of increasing the likelihood that participants will get an agreement

Table 8: *Logistical Regressions Results: ADR on Negotiated Agreement*

	Negotiated Agreement
ADR	1.85 (5.05**)
Baltimore City	-.07 (-0.19)
Plaintiff	-.09 (-0.23)
Represented	-.22 (-0.23)
Length of Conflict	.10 (1.58)
Police Called	-.83 (-1.66)
Consult Counsel	-.15 (-0.34)
See It My Way	-.11 (-0.43)
Positive Possibilities	-.25 (-1.13)
Hopeless	-.46 (-1.66)
Nothing Helps	-.18 (-0.82)
Clear idea	-.21 (-1.00)
Male	.18 (0.56)
Below Poverty	.09 (0.23)
White	-.49 (-1.15)
Born in the US	-.17 (-0.38)
Military Veteran	-.73 (-1.30)
Constant	2.67 (1.47)

	Negotiated Agreement
Number of Observations	249
Pseudo R-squared	0.2054

* Significant at $p < .05$ ** Significant at $p < .01$

ADR has a positive and significant effect on the probability of reaching a negotiated agreement. The other demographic variables and attitudinal measures are not significant in this measure. It is important to note that this equation cannot be used to predict the effect of ADR on a negotiated settlement directly, because this is a participant database, not a case database. Therefore, cases with multiple participants would be overrepresented in such an analysis. In essence, this equation indicates that participants who go through ADR are more likely to reach a negotiated settlement, even holding constant for all of the demographic and other factors.

Next, we examine the impact of ADR on several post-test measures through ordered logistical regression. The results are summarized in Table 9. Each measure is defined below, along with a discussion of the significant findings. We then calculate the predicted probability based on the outcomes of the regression analysis in order to quantify the impact of ADR. The predicted probability gives us the probability of getting a certain answer if someone goes through ADR compared to the standard court process, *holding constant for all other factors* that we have in the equation. We report the predicted probability of ADR compared to the standard court process through a series of bar graphs.

Table 9: *Order Logistical Regression Results: ADR on I Could Express Myself, Underlying Issues, Issues Resolved, Difference in Responsibility, and Difference in Learn They Are Wrong*

	I Could Express Myself	Underlying Issues	Issues Resolved	Difference – Level Responsibility	Difference – Learn They Are Wrong
ADR	.70 (2.30*)	.63 (1.99*)	.80 (2.39*)	.90 (2.22*)	-.69 (-2.30*)
Baltimore City	-.08 (-0.24)	.04 (0.10)	-.30 (-0.08)	-.37 (-0.86)	-.21 (-0.67)
Contract	-.02 (-0.07)	.76 (2.17)	.33 (0.93)	-.19 (-0.44)	-.25 (-0.78)
Consult Counsel		-.79 (-2.29*)	-.12 (-0.31)	.81 (1.87)	
Plaintiff	.62 (2.01*)	.29 (0.94)	.34 (1.00)	.48 (1.23)	-.55 (-1.93)
Represented	.46 (0.99)	-.72 (-0.71)	.17 (0.11)	-.18 (-0.14)	.20 (0.45)
Pre-Level of Responsibility	.28 (1.20)				

	I Could Express Myself	Underlying Issues	Issues Resolved	Difference – Level Responsibility	Difference – Learn They Are Wrong
Positive Possibilities	.12 (0.68)	.17 (0.92)	.11 (0.57)	.02 (0.09)	.24 (1.46)
Clear Idea	.02 (0.11)	-.07 (-0.37)	-.11 (-0.52)	.11 (0.47)	-.14 (-0.79)
Length of Conflict	.01 (1.61)	.01 (2.50*)	.00 (0.88)	.01 (1.27)	.00 (1.06)
Police Called	.09 (0.25)	-.54 (-1.40)	-.20 (-0.49)	.46 (1.00)	-.38 (-1.10)
See It My Way	.28 (1.21)	.34 (1.50)	-.37 (-1.38)	-.09 (-0.32)	
Pre-My Needs Important					-.61 (-2.59**)
Male	.17 (0.64)	-.17 (-0.62)	-.37 (-1.24)	.78 (2.19*)	-.48 (-1.84)
Below Poverty	-.11 (-0.33)	.15 (0.43)	-.51 (-1.42)	-.27 (-0.64)	-.25 (-0.75)
White	-.09 (-0.29)	.44 (1.26)	.66 (1.74)	-.03 (-0.07)	-.43 (-1.36)
Age	-.01 (-1.39)	-.006 (-0.65)	-.00 (-0.23)	.01 (0.82)	.00 (0.45)
Negotiated Agreement	.13 (0.44)	.82 (2.49*)	1.33 (3.48**)	-.26 (-0.65)	-.53 (-1.71)
Number of Observations	242	222	216	216	242
Pseudo R-squared	0.0405	0.0817	0.1321	0.0726	0.0560

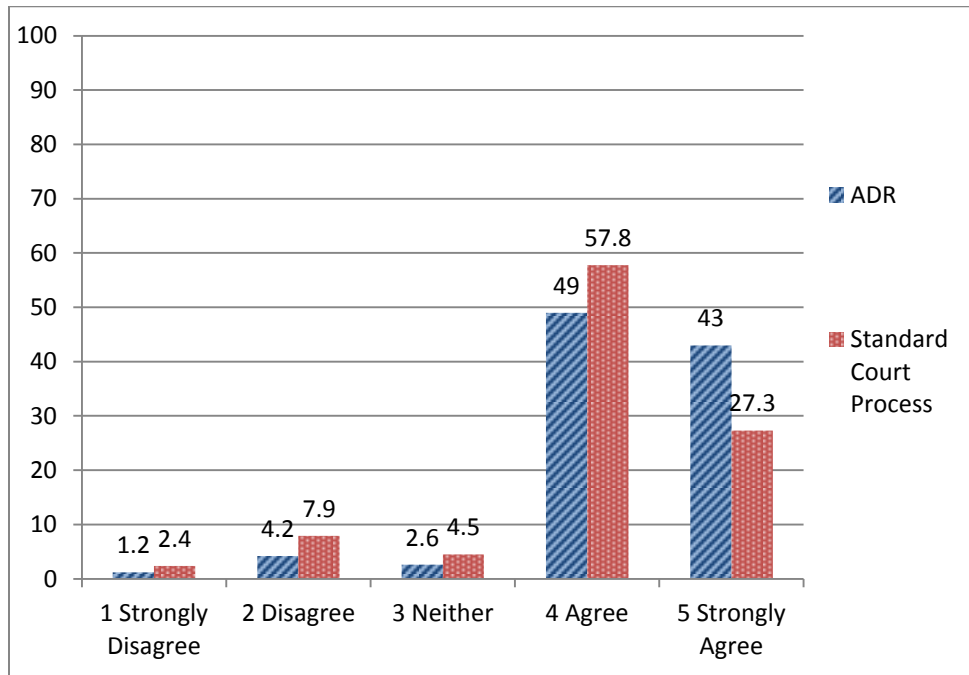
* Significant at $p < .05$ ** Significant at $p < .01$

Below we summarize results for each outcome variable and we report the predicted probabilities of the results through bar graphs.

Post-I Could Express Myself: I was able to express myself, my thoughts, and my concerns during the mediation or settlement conference (asked of cases in ADR)/ I was able to express myself, my thoughts, and my concerns during the court process (asked of cases in trial)

Results: ADR has a positive and significant effect on participants reporting that they could express themselves. Plaintiff also has a positive and significant effect on *I Could Express Myself*.

Graph 1: *Predicted Probability of agreement or disagreement with “I Could Express Myself,” holding constant for all other factors*

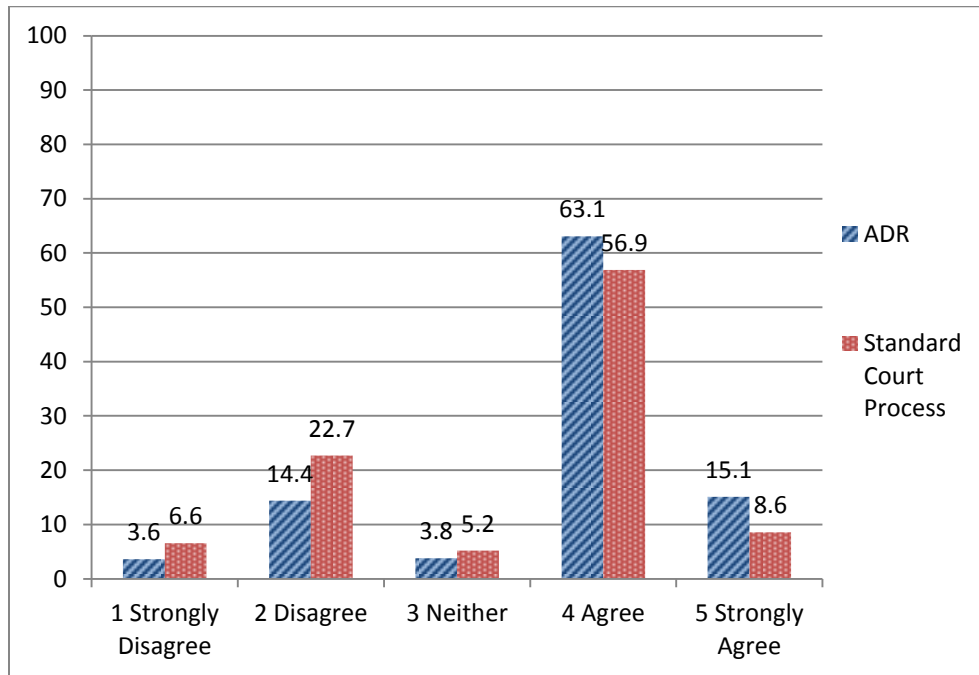


The **predicted probability** gives us the probability of getting a certain answer if someone goes through ADR compared to the standard court process, *holding constant for all other factors* that we have in the estimated equation.

Post-Underlying Issues: I think all of the underlying issues in this conflict came out in the mediation or settlement conference (asked of cases in ADR)/ I think all of the underlying issues in this conflict came out in the court process (asked of cases in trial).

Results: ADR has a positive and significant effect on participants reporting that all of the underlying issues came out. Participants who report that they consulted counsel or that police were called were less likely to report that the underlying issues came out. Participants in longer conflicts were more likely to report that the underlying issues came out. Participants who reached a negotiated agreement were more likely to report that all of the underlying issues came out.

Graph 2: *Predicted Probability of agreement or disagreement with “Underlying Issues,” holding constant for all other factors*



The **predicted probability** gives us the probability of getting a certain answer if someone goes through ADR compared to the standard court process, *holding constant for all other factors* that we have in the estimated equation.

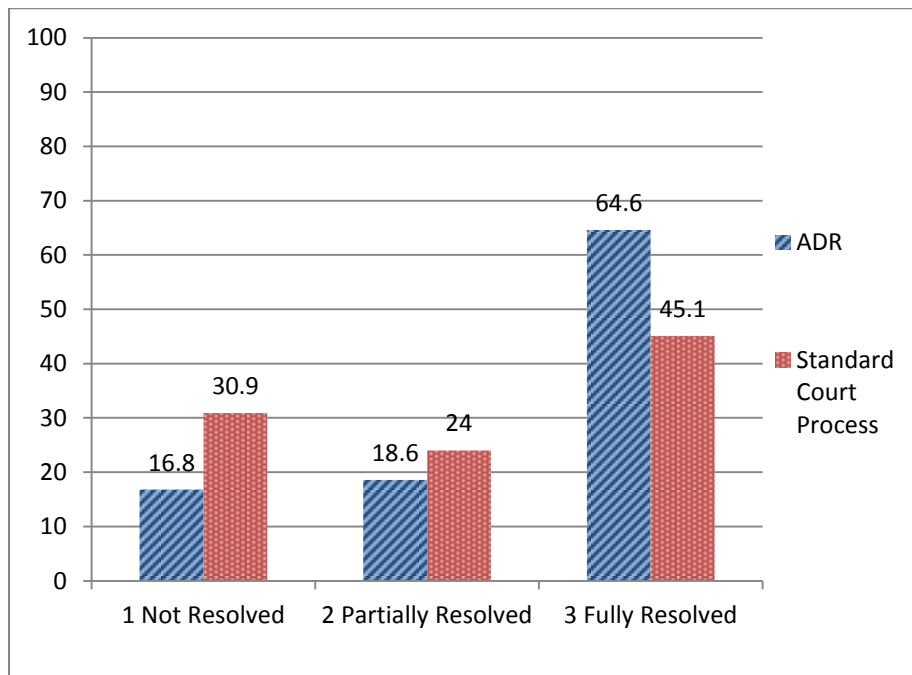
Post-Issues Resolved: Do you think the issues that brought you to court today are resolved? (0= no; 1=partial; 2= yes).

Results: ADR has a positive and significant effect on participants reporting the issues were resolved. Participants who reached a negotiated agreement were also more likely to report that the issues were resolved.

Because we cannot make the assumption that the difference between 0 (not resolved) and 1 (partially resolved) is the same as the difference between 1 (partially resolved) and 2 (fully resolved) we check our ordered least squares and ordered logistical regression results with multinomial logistical regression, which allows us to relax such assumptions. Multinomial logistical regression measures the effect of the impact of the variables on each of the outcomes, compared to one fixed outcome. In this case, it measures the effect of ADR on a 0 compared to the result of ADR on 2 and the effect of ADR on 1 compared to the effect of ADR on 2.

These results can be found in Table D-1 in Appendix D. The results of the multinomial logistical regression show us that the negative and significant coefficient on ADR in (Issues Resolved = 1) means that participants in ADR are less likely to report partial resolution compared to their likelihood of reporting full resolution. The negative and significant coefficient on *Negotiated Agreement* in (Issues Resolved = 0) means that participants who got a negotiated agreement are less likely to report no resolution compared to their likelihood of reporting full resolution.

Graph 3: *Predicted Probability of “Issues Resolved,” holding constant for all other factors*



The **predicted probability** gives us the probability of getting a certain answer if someone goes through ADR compared to the standard court process, *holding constant for all other factors* that we have in the estimated equation.

Difference – Level of Responsibility: Do you think you are not at all responsible, somewhat responsible, or fully responsible for what happened? (0 = not at all, 1 = somewhat, 2 = fully) Post intervention answer – pre-intervention answer. A positive number demonstrates an increase in reported responsibility; a negative represents a decrease in reported responsibility.

Results: ADR has a positive and significant effect on all participants reporting a higher level of responsibility after the intervention than before. Men are also more likely than women to report a higher level of responsibility after the intervention than before in both court and ADR.

Difference – Learn Wrong: Difference in values from pre-intervention to post-intervention: The other person/people need to learn that they are wrong in the issues that brought me to court.

Results: Participants in ADR were more likely to shift toward disagreement with the statement “the other person needs to learn they are wrong” from before to after the process. Participants who were more likely to report that it’s important to get their needs met in the pre-test were more likely to shift toward disagreement with the statement “the other person needs to learn they are wrong” from before to after the process.

We examine the effects of ADR on two additional post-test measures using logistical regression, summarized in Table 10.

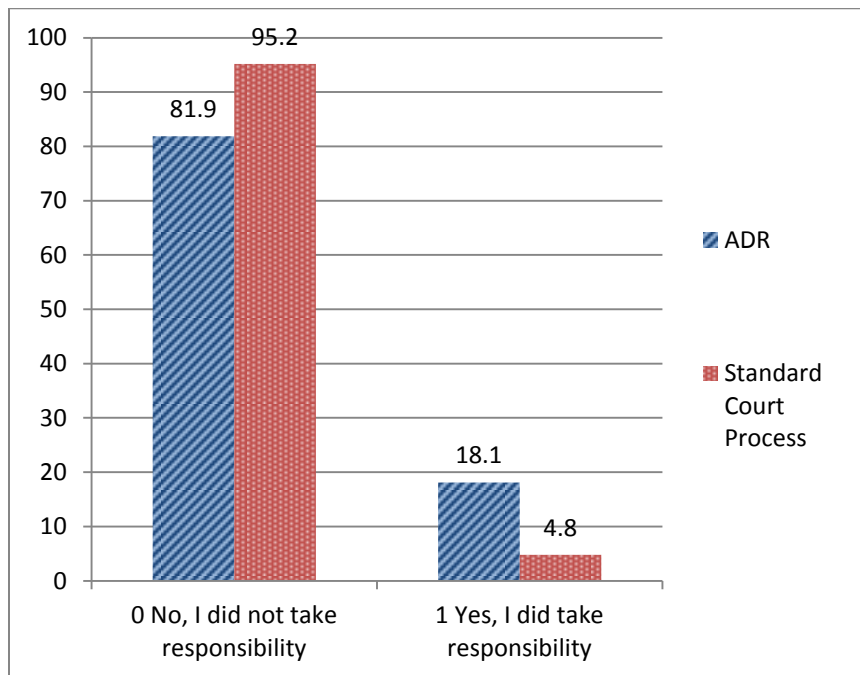
Table 10: *Logistical Regression Results: ADR on “I Took Responsibility” and “No One Took Responsibility or Apologized”*

	I Took Responsibility	No One Took Responsibility or Apologized
ADR	1.47 (2.90**)	-.79 (-2.26*)
Baltimore City	-.22 (-0.44)	-.26 (-0.73)
Represented	-.63 (-0.70)	.27 (0.48)
Plaintiff	-.22 (-0.45)	-.23 (-0.66)
Length of Conflict	.00 (0.05)	-.01 (-1.04)
Police Called	-.64 (-0.86)	-.02 (-0.05)
Pre-Level of Responsibility	1.09 (3.08**)	-.67 (-2.49*)
Related Case	-.71 (-0.93)	1.05 (1.83)
See it My Way	-.56 (-1.62)	.44 (1.72)
Positive Possibilities	.40 (1.25)	-.01 (-0.04)
Male	1.04 (2.37*)	-.36 (-1.16)
Below Poverty	.23 (0.44)	.90 (2.21*)
White	-1.08 (-1.73)	.55 (1.38)
Negotiated Agreement	.79 (1.68)	-.120 (-0.34)
Constant	-2.54 (-1.31)	-.25 (-0.18)
Number of Observations	240	238
Pseudo R-squared	0.3011	0.1240

* Significant at $p < .05$ ** Significant at $p < .01$

Post -I Acknowledged Responsibility Results: ADR has a positive and significant effect on participants reporting that they took responsibility. Participants who reported higher levels of responsibility in the pre-test were also more likely to report in the post-test that they took responsibility. Men were more likely to report that they took responsibility.

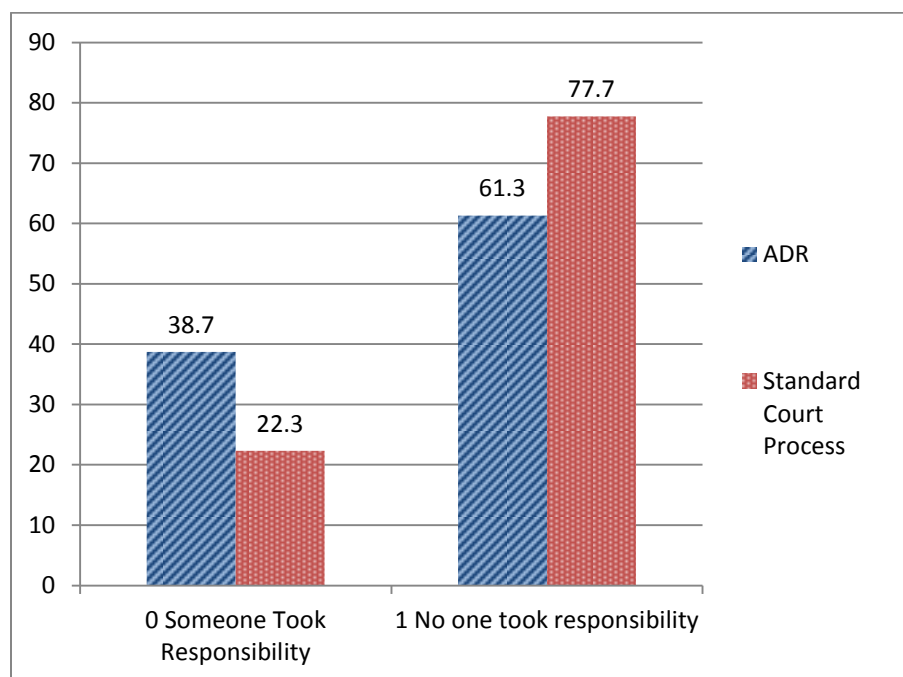
Graph 4: *Predicted Probability of “I Took Responsibility,” holding constant for all other factors*



The **predicted probability** gives us the probability of getting a certain answer if someone goes through ADR compared to the standard court process, *holding constant for all other factors* that we have in the estimated equation.

Post - Neither of us Acknowledged Responsibility or Apologized Results: In ADR cases, participants were less likely to report that no one took responsibility or apologized. Participants who reported higher levels of responsibility in the pre-test were less likely to report in the post-test that no one took responsibility. Participants in households below poverty were more likely to report that no one took responsibility.

Graph 5: *Predicted Probability of “No Responsibility or Apology,” holding constant for all other factors*



The **predicted probability** gives us the probability of getting a certain answer if someone goes through ADR compared to the standard court process, *holding constant for all other factors* that we have in the estimated equation.

The next set of equations test the effect of attending ADR and reaching a negotiated agreement (with or without the aid of ADR) on *Satisfaction with the Judiciary*. The results are summarized in Table 11.

Table 11: *Ordered Logistical Regression Results: ADR on “Satisfied with Judiciary” and Agreement in ADR on “Satisfied with Judiciary”*

	ADR on Satisfied w/ Judiciary	ADR Agreement and Control Agreement on Satisfied w/ Judiciary
ADR	.43 (0.85)	
Attend ADR –agreement		2.75 (2.61**)
Control –agreement		1.58 (1.41)
Hopeless	-.25 (-0.79)	-.28 (-0.90)
Related Case	-.04 (-0.07)	.07 (0.12)

	ADR on Satisfied w/ Judiciary	ADR Agreement and Control Agreement on Satisfied w/ Judiciary
Consult Counsel	-.48 (-0.99)	-.49 (-1.01)
Plaintiff	.56 (1.18)	.49 (1.05)
Represented	-2.54 (-2.16*)	-2.37 (-2.08*)
Length of Conflict	.01 (0.58)	.01 (0.71)
Police Called	-.42 (-0.88)	-.41 (-0.86)
Clear Idea	-.15 (-0.56)	-.20 (-0.74)
Male	-.15 (-0.35)	-.17 (-0.40)
Below Poverty	.26 (0.54)	.23 (0.48)
White	.06 (0.10)	.11 (0.21)
Age	.05 (2.95**)	.05 (3.08**)
Negotiated Agreement Reached	2.17 (2.75**)	
Number of Observations	216	216
Pseudo R-squared	.01756	0.1749

* Significant at $p < .05$ ** Significant at $p < .01$

Results: The first column shows us that ADR does not have a significant effect on *Satisfied with the Judiciary*, but *Negotiated Agreement* does have a positive and significant effect. To test whether a negotiated agreement in ADR has a different effect from a direct negotiated agreement outside of ADR, we separate out these two types of negotiated agreements to further test this in the second column. *Age* also has a positive and significant effect on *Satisfied with Judiciary* and *Represented* has a negative and significant effect on *Satisfied with Judiciary*.

The second column shows that reaching an agreement in ADR has a positive and significant effect on *Satisfied with Judiciary*, while reaching an agreement on one's own (outside of ADR) does not. *Age* has a positive and significant effect on *Satisfied with the Judiciary* and *Represented* has a negative and significant effect on *Satisfied with Judiciary*.

In addition to the outcomes measured above, the following were also tested and ADR was not statistically significant: *Post-I Apologized*; *Post-Other Apologize*; *Post-Other Better Understands Me*; *Post- I Better Understand Other*; *Post-Other Person Listened*; *Post-I Can*

Implement; Post-Other Took Responsibility; Post-I Became Clearer; Post-Outcome is Fair; Difference-Their Needs; Difference Wants Opposite; Difference No-Control; Difference-Number of Ways; Difference-My Needs; Difference-Important to Understand Other; Difference-Positive Relationship; Difference-Can Talk Concerns; Difference-No Difference; Difference-Conflict Negative; Difference-Court Cares.

Part 5: Testing Different Effects of ADR for Different Groups

This section explores the role demographics, representation, and court role in the experience of mediation. We use interaction variables to test whether the experience of mediation is different for different groups of people. Because of the small sample size, we may not find all of the underlying relationships that may be present.

In each section below, we explore the impact of ADR for the group of interest for each of the dependent variables for which ADR was found to be significant in the earlier section. The first column in each table is the original equation, which is included for comparison purposes. We then test the interaction of ADR and each of the following variables: *Plaintiff*, *Represented*, *Male*, *Poverty*, *White*, *Born in the US*, *Military*, and *Age*. For those few with a significant difference, the subsequent columns show the results of the ordered logistical regression. In most cases, we found no statistically significant difference in the outcome for the particular demographic group and we list those groups for whom we can conclude that there is no difference. There were some tests that remain inconclusive, because the small sample size does allow for analysis of separate effects. We list the demographic groups for which the results are inconclusive in each section.

Post- I Could Express Myself: I was able to express myself, my thoughts, and my concerns during the mediation or settlement conference (asked of cases in ADR)/ I was able to express myself, my thoughts, and my concerns during the court process (asked of cases in trial).

Table 12: *Ordered Logistical Regression Results: ADR*Plaintiff and ADR*Represented on "I Could Express Myself"*

	I Could Express Myself	I Could Express Myself	I Could Express Myself
ADR	.60 (2.12*)	1.46 (3.73**)	.78 (2.63**)
Baltimore City	-.05 (-0.16)	-.16 (-0.53)	-.05 (-0.17)
Plaintiff	.49 (1.82)	1.46 (3.62**)	.53 (1.96*)
Represented	.33 (0.74)	.46 (1.03)	1.55 (2.25*)
Length of Conflict	.01 (1.63)	.01 (1.32)	.01 (1.68)
Police Called	.11 (0.32)	.06 (0.18)	.14 (0.40)
Clear Idea	.11 (0.63)	.11 (0.63)	.08 (0.43)
Male	.17 (0.67)	.13 (0.51)	.18 (0.67)

	I Could Express Myself	I Could Express Myself	I Could Express Myself
Below Poverty	-.09 (-0.29)	-.10 (-0.29)	-.10 (-0.31)
White	-.16 (-0.50)	-.43 (-1.35)	-.08 (-0.25)
Military Veteran	-.64 (-1.53)	-.59 (-1.38)	-.61 (-1.44)
Negotiated Agreement	.09 (0.29)	.16 (0.54)	.13 (0.44)
ADR * Plaintiff		-1.76 (-3.28**)	
ADR * Represented			-2.11 (-2.39*)
Number of Observations	246	246	246
Pseudo R-squared	0.0332	0.0536	0.0442

The first column presents the results of the ordered logistical regression with no interactions. The findings in the second column in the table above indicate that plaintiffs are more likely to report expressing themselves in court than non-plaintiffs; non-plaintiffs are more likely to report expressing themselves in ADR than plaintiffs; and plaintiffs are somewhat more likely to report expressing themselves in court than in ADR.

The findings in the third column in the table above indicate that represented parties are more likely than non-represented parties to indicate they expressed themselves in court; represented parties are less likely than non-represented parties to report that they expressed themselves in mediation; and represented parties are more likely to report that they expressed themselves in court than in ADR.

No significant difference was found for the following groups in mediation in terms of their response to the question *I Could Express Myself*: Age, Male, Below Poverty, White, Military, and Disability.

The equation measuring *Born in the US* was dropped because the small sample size does not allow for analysis of separate effects. It remains inconclusive whether there is a different effect of ADR for participants who were born in the US than for those who were not.

Underlying Issues

Post-Underlying Issues: I think all of the underlying issues in this conflict came out in the mediation or settlement conference (asked of cases in ADR)/ I think all of the underlying issues in this conflict came out in the court process (asked of cases in trial)

No significant difference was found for the following groups in mediation in terms of their response to *Underlying Issues*: Plaintiff, Represented, and White.

The equations measuring *Male*, *Born in the US*, *Below Poverty*, *Age*, *Military*, and *Disability* were dropped because the small sample size does not allow for analysis of separate effects. It remains inconclusive whether there is a different effect of ADR for these demographic groups.

Issues Resolved

Post-Issues Resolved: Do you think the issues that brought you to court today are resolved? (0= no; 1=partial; 2= yes)

Table 13: *Ordered Logistical Regression Results: “ADR on Issues Resolved” and “ADR*Age on Issues Resolved”*

	Issues Resolved	Issues Resolved
ADR	.80 (2.44*)	-2.20 (-1.99*)
Baltimore City	-.18 (-0.52)	-.23 (-0.62)
Consult Counsel	-.15 (-0.38)	-.32 (-0.81)
Plaintiff	.16 (0.50)	.06 (0.17)
Represented	.41 (0.27)	0.20 (0.11)
Length of Conflict	.00 (0.77)	.01 (0.96)
Police Called	-.38 (-1.00)	-.44 (-1.14)
Clear Idea	-.19 (-0.94)	-.17 (-0.84)
Male	-.40 (-1.34)	-.50 (-1.59)
Below Poverty	-.60 (-1.72)	-.71 (-1.94)
White	.56 (1.53)	.52 (1.33)
Negotiated Agreement	1.40 (3.71**)	1.41 (3.59**)
Born in the US		.29 (0.73)
Military Veteran		.06 (0.11)
Disability		-.33 (-0.77)

	Issues Resolved	Issues Resolved
Age		-.23 (-1.64)
ADR * Age		.07 (2.81**)
Number of Observations	216	212
Pseudo R-squared	0.1247	0.1469

The analysis for an interaction variable with *Age* and ADR is a little different because *Age* is a continuous rather than a binary variable. This is why we see a negative coefficient on ADR because the results need to be calculated with the average age (47). These results indicate that age does not affect how participants who go through court report on whether issues are resolved or not; however, they do imply that older individuals are more likely to report that issues are resolved in ADR than are younger individuals.

No significant difference was found for the following groups in ADR in terms of their response to the question *Issues Resolved: Plaintiff, Represented, Male, Born in US, Below Poverty, Disability, and Military*

The equation measuring *White* was dropped because the small sample size does not allow for analysis of separate effects. It remains inconclusive whether there is a different effect of ADR for participants who were white than for those who were not.

I Took Responsibility

No significant difference was found for the following groups in ADR in terms of their response to the question “I took responsibility”: *Plaintiff, Below Poverty, Represented, Military, Born in US, and Disability*.

The equations measuring *Age, Male, and White* were dropped because the small sample size does not allow for analysis of separate effects. It remains inconclusive whether there is a different effect of ADR for these demographic groups.

No One Took Responsibility or Apologized

No significant difference was found for the following groups in ADR in terms of their response to the question “No one took responsibility or apologized”: *White, Military, and Disability*

The equations measuring *Below Poverty, Age, Born in the US, Plaintiff, and Represented* were dropped because the small sample size does not allow for analysis of separate effects. It remains inconclusive whether there is a different effect of ADR for these demographic groups.

Difference - Learn Wrong

Difference – Learn Wrong: Difference in values from pre-intervention to post-intervention: The other person/people need to learn that they are wrong in the issues that brought me to court.

No significant difference was found for the following groups in ADR in terms of the shift in their response to *Learn Wrong*: *Military*.

The equations measuring *Plaintiff*, *Male*, *Below Poverty*, *White*, *Disability*, *Represented*, *Plaintiff*, *Born in the US*, and *Age* were dropped because the small sample size does not allow for analysis of separate effects. It remains inconclusive whether there is a different effect of ADR for these demographic groups.

Difference - Level of Responsibility

Difference – Level of Responsibility: Difference from pre-intervention to post intervention: Do you think you are not at all responsible, somewhat responsible, or fully responsible for what happened?

No significant difference was found for the following groups in ADR in terms of the shift in their level of responsibility: *Military*, *Male*, *White*, and *Represented*

The equations measuring *Plaintiff*, *Military*, *Born in US*, *Disability*, and *Age* were dropped because the small sample size does not allow for analysis of separate effects. It remains inconclusive whether there is a different effect of ADR for these demographic groups.

Summary of Demographic Differences

In this section, we explored whether ADR has a different impact on the outcomes of interest for different demographic groups. We examined this with the following variables: *Plaintiff*, *Represented*, *Male*, *Poverty*, *White*, *Born in the US*, *Military*, and *Age*. In general we find almost no difference in the experience in ADR for different the demographic groups tested here. The exceptions are the following:

- 1) Plaintiffs are more likely to report expressing themselves in court than non-plaintiff; non-plaintiffs more likely to report expressing themselves in ADR than plaintiffs; and plaintiffs somewhat more likely to report expressing themselves in court than in ADR.
- 2) Represented parties are more likely than non-represented parties to indicate they expressed themselves in court; represented parties are less likely than non-represented parties to report that they expressed themselves in mediation; and represented parties are more likely to report that they expressed themselves in court than in ADR.
- 3) Age does not affect how participants who go through court report on whether issues are resolved or not; however, they do imply that older individuals are more likely to report that issues are resolved in ADR than are younger individuals.

As with the rest of the study, the primary limitation is the small sample size. Because of the small sample size, we are not able to test for separate effects on all of the variables of interest. As

such, we cannot say with certainty whether ADR has a different impact on some of the outcomes of interest for certain demographic groups.

Part 6: Discussion

Impact of ADR

The analysis above finds the following in terms of impact of ADR on the self-reported outcomes we measure. Participants who went through ADR are more likely than those who went through the court process to indicate that:

- 1) They could express themselves, their thoughts, and their concerns.
- 2) All of the underlying issues came out.
- 3) The issues are resolved.
- 4) The issues were completely resolved rather than partially resolved.
- 5) They acknowledged responsibility for the situation.

In addition, participants who went through ADR are more likely than those who went through the standard court process:

- 1) To have an increase in their rating of their level of responsibility for the situation from before to after the intervention.
- 2) To shift toward disagreement with the statement “the other people need to learn they are wrong” from before to after the process.

Participants who went through ADR are less likely to report that no one took responsibility or apologized than are people who went through the standard court process.

It is important to note that all of these findings are uniformly applicable to ADR, whether or not an agreement was reached. By including a variable for negotiated settlement, we hold constant for the settlement impact of ADR and include the potential benefits of the negotiated settlements of reached by those not in ADR. The “settlement” value of ADR is measured in the coefficient of this variable. The broader (“settlement or no settlement”) impact of ADR is measured in the coefficient of the ADR variable.

Finally, participants who developed a negotiated agreement in ADR were more likely to be satisfied with the judicial system than others, while participants who reached a negotiated agreement on their own (without ADR) were not more likely to be satisfied with the judicial system than those without negotiated agreements. This seems to imply that the process of reaching agreement in ADR, rather than just the process of having a negotiated settlement, is the factor that led to higher satisfaction.

In addition to the outcomes measured above, the following were also tested and ADR was not statistically significant: *Post-I Apologized; Post-Other Apologized; Post-Other Better Understands Me; Post- I Better Understand Other; Post-Other Person Listened; Post-I Can Implement; Post-Other Took Responsibility; Post-I Became Clearer; Post-Outcome is Fair; Difference Their Needs; Difference Wants Opposite; Difference No-Control; Difference Number of Ways; Difference-My Needs; Difference-Important to Understand Other; Difference-Positive Relationship; Difference-Can Talk Concerns; Difference-No Difference; Difference-Conflict Negative; Difference-Court Cares.* The fact that ADR was not found to be significant in this

study does not mean that one can conclude that ADR does not have an impact on these outcomes. One can only conclude that in this relatively small data set, we are not able to confirm or reject whether there is a statistically significant relationship between ADR and these outcomes.

It is worth noting that most of the dependent variables on which ADR did not have a significant difference are those that measure the difference between the attitude before and after the intervention. The average length of the ADR process in the cases in this study was 56 minutes, with five minutes being the minimum and 155 minutes the maximum. While the differences between these interventions clearly impacted several of the post treatment measures, it is not surprising that we do not find significant differences in the some measures of attitudes from pre to post. The small sample size may be part of the reason no significant impact is found on many of the variables that measure the difference in attitude from before to after the intervention. The small sample size is one of the limitations of this study and we hope future studies can replicate this research with larger samples.

Differences in Outcomes for Different Demographic Groups

We also explored whether ADR has a different impact on the outcomes of interest for different demographic groups. We examined whether there were differences for plaintiffs and those who were represented, as well as examining differences based on gender, race, income, place of birth, military experience, and age. In general we find almost no difference in the experience in ADR for different the demographic groups tested here. The exceptions are the following:

- 1) Plaintiffs are more likely to report expressing themselves in court than non-plaintiff.
- 2) Non-plaintiffs more likely to report expressing themselves in ADR than plaintiffs.
- 3) Plaintiffs somewhat more likely to report expressing themselves in court than in ADR.
- 4) Represented parties more likely than non-represented parties to indicate they expressed themselves in court.
- 5) Represented parties are less likely than non-represented parties to report that they expressed themselves in mediation.
- 6) Represented parties are more likely to report that they expressed themselves in court than in ADR.
- 7) Age does not affect how participants who go through court report on whether issues are resolved or not; however, they do imply that older individuals are more likely to report that issues are resolved in ADR than are younger individuals.

Because of the small sample size, we are not able to test for separate effects on all of the variables of interest. As such, we cannot say with certainty whether ADR has a different impact on some of the outcomes of interest for certain demographic groups.

Limitations

The primary limitation of this study is the relatively small sample size. In several equations where ADR was not found to be significant, it appeared to be close to a reportable level of significance, and a larger sample size might allow for findings of additional areas where ADR

impacts the outcomes of interest. A small sample size also limits the sub-analysis. For example, it might be interesting to divide the data set by county and measure if the impact of ADR is different in each county. We might also be able to do more with interaction variables with a larger data set in order to better understand how the experience in ADR or the standard court process might be different for people within different sub-groups.

One of the reasons for the small data set is that this particular study was part of a larger study that also involved observation of the ADR session. These observations will allow for an in-depth analysis of how ADR practitioner interventions affect various outcomes (to be discussed in a separate report). Conducting observations meant that the researchers were only available to do surveys for one ADR case at a time. Furthermore, the training required for researchers to be qualified to conduct observations was time consuming.

A future study looking only at the issues raised in this report could be conducted using similar methods to create a treatment and control group, but could be done on a larger scale if researchers were only collecting this survey data.

Recommendations

ADR is clearly connected to several positive outcomes related to resolution of issues, shifts in attitudes toward others in the conflict, taking of personal responsibility, empowerment, and satisfaction with the judiciary. The district court should continue to invest in the highly successful program of day of trial ADR and expand this program to jurisdictions where it is not currently operational. Furthermore, the district court should work to ensure that judges and court personnel understand that these positive impacts are found for ADR, separate from whether an agreement was reached. This will help create value and understanding for the process beyond whether or not participants reach an agreement.

APPENDIX A: Handout of Key Points

This handout was created to offer the key points of this report in a graphical layout which can be distributed to court staff, personnel, and others interested.

► PART OF THE MARYLAND ADR STATEWIDE EVALUATION PROJECT SPONSORED BY COURT OPERATIONS.

► PART OF A LARGER EFFORT TO MEASURE THE IMPACT OF ADR ON LITIGANTS IN THE MARYLAND DISTRICT COURT.

► FULL REPORT PROVIDES TECHNICAL DETAILS AND STATISTICAL EQUATIONS. THIS HANDOUT SUMMARIZES KEY POINTS.

Impact of ADR on responsibility empowerment and

STATEWIDE EVALUATION OF ALTERNATIVE DISPUTE RESOLUTION

resolution

This research is unique and to our knowledge the only one in the country that compares the attitudes and changes in attitudes of participants who went through ADR to an equivalent comparison group who went through the standard court process.

ADR is clearly connected to several positive outcomes. All of these findings are uniformly applicable to ADR, whether or not an agreement was reached.

We found several areas where ADR had a statistically significant impact on participants' experiences and attitudes, compared to participants who went through the standard court process.

Specifically, those who went to ADR, regardless of whether they reached an agreement in ADR, are more likely to report that:

- 1) They **could express themselves, their thoughts, and their concerns.**
- 2) All of the **underlying issues came out.**
- 3) The **issues were resolved.**
- 4) The issues were **completely resolved** rather than partially resolved.

- 1) They **acknowledged responsibility** for the situation.

In addition, participants who went through ADR are more likely than those who went through the standard court process:

- 1) To have **an increase in their rating of their level of responsibility** for the situation from before to after the intervention.
- 2) To **disagree more with the statement "the other people need to learn they are wrong"** from before to after the process.

Participants who went through ADR are **less likely to report that no one took responsibility** or

What we measured:

- 1) Attitude toward the other participant
- 2) A sense of empowerment and having a voice in the process
- 3) A sense of responsibility for the situation
- 4) A belief that the conflict has been resolved
- 5) Satisfaction with the judicial system.

apologized than are people who went through the standard court process.

Finally, **participants who developed a negotiated agreement in ADR were more likely to be satisfied with the judicial system than others**, while participants who reached negotiated agreement on their own (without ADR) were not more likely to be satisfied with the judicial system than those without negotiated agreements **(continued on back).**

Our Process

To measure the impact of ADR on potential shifts in participants' attitudes and perspectives, we took into account that there are a range of factors that could affect these shifts and perspectives. Participants' roles in court (plaintiff or defendant), whether they are represented by an attorney, their general outlook before they got to court, the history of the relationship between the litigants, the history of the conflict, and the type of case can all have an effect on attitudes and perspectives. Our research methodology, called *regression analysis*, allows us to isolate the impact of ADR as opposed to other

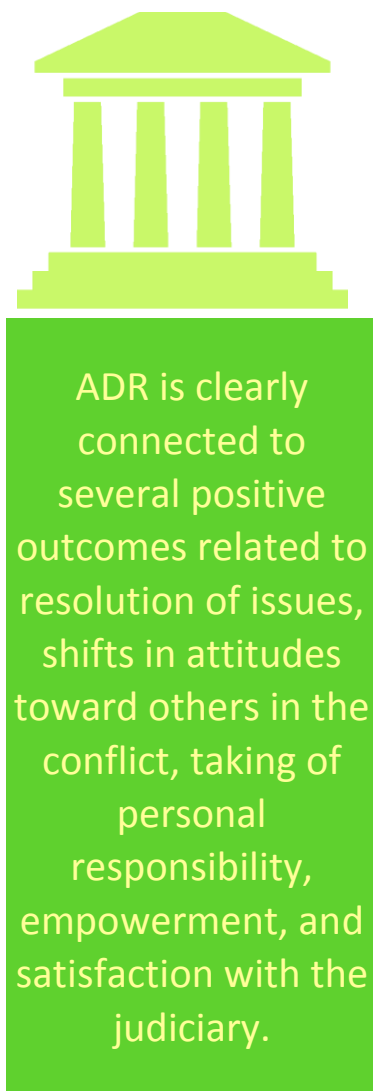
variables that may affect the outcome. By doing this, we can reach conclusions about the impact of ADR itself, confident that we are not inadvertently measuring one of these other factors.

One other unique aspect of this study is that we separate the impact of reaching an agreement from the impact of the ADR process. We look at people who got an agreement through ADR, and those who settled on their own. By doing this, **we are able to isolate the impact of the process of ADR**, separate from its effect on reaching an agreement.

(continued from front)

This seems to imply that the process of reaching an agreement **in ADR** is the factor that led to higher satisfaction, rather than just the process of having negotiated a settlement.

This research also explored whether ADR had a different effect for different demographic groups. With a few exceptions which are detailed in the full report, ADR did not have a different impact on different demographic groups.



DATA COLLECTION

In any study that seeks to identify the impact of an intervention on a particular outcome, one needs to be certain that the two groups being compared are equivalent in all ways other than intervention itself. We surveyed participants in cases agreeing to participate in ADR, and then suspended the ADR program and surveyed participants in similar cases who were never offered ADR. The researchers reviewed case characteristics, demographics, and pre-test attitudinal variables to identify differences between the groups. The groups were determined to be generally comparable. Characteristics that were identified to be different between the two groups were included in the regression analysis to account for any possible difference. (For details on this or any aspect of the research methodology, please see the larger research report.)



Wondering how we came to these conclusions?
The full report offers more details and can be found at:
WWW.MARYLANDADRRESEARCH.ORG

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2001 E/F Commerce Park Dr
Annapolis, MD 21401
410-260-1579



Community Mediation Maryland

310 Tulip Ave
Takoma Park, MD 20912
301-270-9700
www.marylandmediation.org

APPENDIX B: Difference of Means and Chi-squared Tests for Difference in Control and Treatment Groups

The tables below show the difference of means and chi-squared results for pre-test measures.

Table B- 1: *Significant Differences Between Treatment and Control Group - Pre Intervention, Chi-squared Results*

Table B-1.1: *Results of Chi-square Test for ADR by “Jurisdiction”*

Jurisdiction	ADR	Standard Court Process
Baltimore City	122 (52%)	140 (61%)
Montgomery County	111 (48%)	88 (39%)

Pearson Chi2 = 3.8412, df = 1, p<.10

Table B-1. 2: *Results of Chi-square Test for ADR by “Case Type”*

Case Type	ADR	Standard Court Process
Contract	168 (72%)	148 (65%)
Not Contract	65 (28%)	80 (35%)

Pearson Chi2 = 2.7636, df = 1, p<.10

Table B-1. 3: *Results of Chi-square Test for ADR by “Consult Counsel”*

	ADR	Standard Court Process
Consult Counsel	20 (23%)	36 (23%)
Did Not Consult Counsel	139 (78%)	124 (78%)

Pearson Chi2 = 5.4239, df = 1, p<.05

Table B-1. 4: *Results of Chi-square Test for ADR by “Support Person Present”*

	ADR	Standard Court Process
Support Person Present	40 (32%)	54 (32%)
Does Not have Support Person Present	133 (68%)	116 (68%)

Pearson Chi2 = 3.2198, df = 1, p<.10

Table B-1. 5: *Results of Chi-square Test for ADR by “Below Poverty”*

	ADR	Standard Court Process
Household Below Poverty	27 (17%)	50 (32%)
Household Not Below Poverty	133 (83%)	107 (68%)
Pearson Chi2 = 9.6593, df = 1, p<.05		

Table B-1. 6: *Results of Chi-square Test for ADR by “Below 125% Poverty Line”*

	ADR	Standard Court Process
Household Below 125% Poverty Line	40 (25%)	57 (36%)
Household Not Below 125% Poverty Line	120 (75%)	100 (64%)
Pearson Chi2 = 4.7696, df = 1, p<.05		

Table B-1. 7: *Results of Chi-square Test for ADR by “Race – White”*

	ADR	Standard Court Process
Race is White	66 (34%)	49 (26%)
Race is Not White	127 (66%)	142 (74%)
Pearson Chi2 = 3.3391, df = 1, p<.10		

Table B-1. 8: *Results of Chi-square Test for ADR by “BornUS”*

	ADR	Standard Court Process
Born in US	159 (83%)	140 (75%)
Not Born in US	33 (17%)	46 (25%)
Pearson Chi2 = 3.2522, df = 1, p<.10		

Table B- 2: *Difference of Means of Pre-test Measures: Control minus Treatment*

	Treatment Group			Comparison Group			Significant Difference
	N	Mean	SD	N	Mean	SD	
Level of Agreement (5) or Disagreement (1) with the following statements:							
Clear Idea	210	4.05	.78	202	4.55	.74	.50*
Pre-Number of Ways to Resolve	191	3.74	.94	193	4.03	1.02	.29*
Pre-My Needs Important	193	4.21	.62	193	4.53	.56	.32*
Pre-Learn They Are Wrong	192	3.86	1.07	193	4.25	.93	.39*
Pre-Positive Relationship	193	3.04	1.17	191	3.25	1.15	.215 [†]
Pre-No Control	192	3.03	1.15	191	3.29	1.30	.26*

	Treatment Group			Comparison Group			Significant Difference
	N	Mean	SD	N	Mean	SD	
Level of Agreement (5) or Disagreement (1) with the following statements:							
Pre-Wants Opposite	192	3.60	.86	192	3.96	.95	.36*
Pre-Can Talk about Concerns	194	3.16	1.16	190	2.84	1.24	-.32*
Pre-No Difference	187	2.99	1.02	190	3.27	1.20	.27*
See it My Way (avg)	194	4.04	.68	193	4.39	.59	.35*
Hopeless (avg)	194	3.21	.70	193	3.5	.75	.30*
Positive Possibilities (avg)	194	3.39	.85	193	3.65	.80	.26*
Nothing Helps (avg)	194	2.92	.84	193	3.22	.94	.30*
Demographics:							
Age	193	48.41	14.32	193	44.85	13.66	-3.56*

* Difference between those in the treatment group to those in the comparison group is significant $p < .05$ using a two-tailed test

† Difference between those in the treatment group to those in the comparison group is significant $p < .10$ using a two-tailed test

Additional pre-test measures examined and found to have no statistical significance include: case types of *Detinue*, *Forcible Entry and Detainer*, *Tenant Holding Over*, and *Wrongful Detainer*; participants' role as *Plaintiff*, *Defendant*, *Plaintiff Support*, *Defendant Support*, *Plaintiff Attorney*, *Defendant Attorney*; *Represented*; *Prior Court-Plaintiff*; *Prior-Court Defendant*; *Prior ADR*; *Trial Prep*; *Prior Conversation*; *Pre-Responsibility Level*; *Length of Conflict*; *Police Involvement*; *Related Case*; *Pre-Important to Understand Other*; *Pre-Their Needs Important*; *Pre-Conflict Negative*; *Pre-Court Cares*; *Male*; *Female*; *Below 50% MD*; *Below MD Med*; *Below 150% MD*; *Black*; *Hispanic*; *Asian*; *Language Spoken*; *English Proficiency*; *Military*; *Disability*; *Highest Ed*; and *Relationships*.

The tables below show the difference of means and chi-squared results for post-test measures.

Table B- 3: *Post-test Measures Difference of Means: Control minus Treatment*

	Treatment Group			Comparison Group			Significant Difference
	N	Mean	SD	N	Mean	SD	
Level of Agreement (5) or Disagreement (1) with the following statements. These statements are only measured post-treatment¹							
Post-Other Person Listened	165	3.38	1.03	177	3.05	1.15	-.33 [*]
Post-Underlying Issues	182	3.77	.92	191	3.41	1.25	-.36 [*]
Post-Other Better Understands Me	167	3.28	1.08	176	2.93	1.14	-.34 [*]
Post-I Better Understand Other	166	3.36	1.05	178	3.03	1.23	-.33 [*]
Post-I Could Express Myself	167	4.30	.58	178	3.98	1.01	-.32 [*]
Post-Can Implement Outcome	154	3.98	.70	174	3.76	1.02	-.22 [*]
Post-Satisfied with Judiciary	172	1.80	.54	189	1.62	.75	-.17 [*]
Post-Issues Resolved	173	1.55	.77	190	1.11	.88	-.44 [*]
Difference in Values From Pre-Intervention to Post-Intervention²							
Difference-Level of Responsibility	156	.14	.04	165	.04	.04	-.10 [†]

	Treatment Group			Comparison Group			Significant Difference
	N	Mean	SD	N	Mean	SD	
Difference-Their Needs	161	-.05	.95	167	-.29	1.10	-.24*
Difference-Wants Opposite	160	-.36	1.43	165	.07	1.32	.43*
Difference-No Control	160	-.36	1.42	165	.02	1.34	.39*

* Difference between those in the treatment group to those in the comparison group is significant $p < .05$ using a two-tailed test

† Difference between those in the treatment group to those in the comparison group is significant $p < .10$ using a two-tailed test

¹For all variables measured only post treatment, a higher value is considered improvement.

²For variables measuring the differences in pre and post attitudes, for some variables a higher value is improvement and for some a lower value is improvement. For a difference in *Their Needs*, a positive value is improvement, for differences in *Wants Opposite* and *No Control*, a negative value is improvement.

Table B- 4: *Significant Differences between Treatment and Control Group – Post-Intervention, Chi-Squared Results*

Table B-4. 1: *Results of Chi-square Test for ADR by “Negotiated Agreement”*

Case Type	ADR	Standard Court Process
Negotiated Agreement	123 (53%)	37 (16%)
No Negotiated Agreement	110 (47%)	191 (84%)

Pearson Chi2 = 67.9761, df = 1, $p < .05$

Table B-4. 2: *Results of Chi-square Test for ADR by “I Took Responsibility”*

Case Type	ADR	Standard Court Process
I Took Responsibility	34 (21%)	17 (10%)
I Did Not Take Responsibility	125 (79%)	161 (90%)

Pearson Chi2 = 9.1560, df = 1, $p < .05$

Table B-4. 3: *Results of Chi-square Test for ADR by “Other Took Responsibility”*

Case Type	ADR	Standard Court Process
Other Person Took Responsibility	32 (80%)	21 (12%)
Other Person Did Not Take Responsibility	128 (80%)	157 (88%)

Pearson Chi2 = 4.2875, df = 1, $p < .05$

Table B-4. 4: *Results of Chi-square Test for ADR by “Other Person Apologized”*

Case Type	ADR	Standard Court Process
Other Person Apologized	15 (10%)	6 (3%)
Other Person Did Not Apologize	142 (90%)	172 (97%)
Pearson Chi2 = 5.4283, df = 1, p<.05		

Table B-4. 5: *Results of Chi-square Test for ADR by “No Responsibility or Apology”*

Case Type	ADR	Standard Court Process
No One Took Responsibility or Apologized	96 (61%)	134 (75%)
Someone Took Responsibility or Apologized	61 (39%)	44 (25%)
Pearson Chi2 = 7.7447, df = 1, p<.05		

Additional post-test measures examined and found to have no statistically significant difference of means include: *Post-I Apologized*; *Post-I Became Clearer*; *Post-Outcome is Fair*; *Difference Number of Ways*; *Difference-My Needs*; *Difference-Important to Understand Other*; *Difference-Learn They Are Wrong*; *Difference-Positive Relationship*; *Difference-Can Talk Concerns*; *Difference-No Difference*; *Difference-Conflict Negative*; *Difference-Court Cares*.

APPENDIX C: Testing the Impact of the Variables with Differences between the Control and Treatment Groups on the Outcomes of Interest

This appendix provides the tables for the test to see if the variables for which there was a significant difference between the Treatment and Control Group have a statistically significant effect on the outcomes of interest, measured without ADR in the equation. This also provides information to help build the models ultimately used for estimating the effect of ADR on these outcomes.

Table C-1 summarizes the results of the ordered logistical regression. Each measure is defined below, along with a discussion on the significant results.

Table C- 1: Ordered Logistical Regression Results: Variables with Differences between the Control and Treatment Groups and Demographic Variables on “I Could Express Myself”, “Underlying Issues,” “Issues Resolved,” and “Difference-Learn They Are Wrong”

	I Could Express Myself	Underlying Issues	Issues Resolved	Difference-Level Responsibility	Difference-Learn They Are Wrong
Baltimore City	-.02 (-0.05)	-.08 (-0.23)	-.03 (-0.07)	-.36 (-0.77)	-.24 (-0.65)
Contract	-.04 (-0.11)	.51 (1.32)	-.12 (-0.32)	-.11 (-0.24)	-.10 (-0.26)
Consult Counsel	-.30 (-0.79)	-1.04 (-2.81**)	-.27 (-0.69)	.71 (1.57)	.44 (1.19)
Plaintiff	.85 (2.31*)	.30 (0.87)	.26 (0.69)	.56 (1.35)	-.48 (-1.34)
Represented	.66 (0.64)	-.24 (-0.22)	.39 (0.28)	-.01 (-0.01)	-.29 (-0.27)
Support Person Present	.30 (0.91)	.15 (0.45)	-.11 (-0.31)	.16 (0.37)	-.27 (-0.82)
Positive Possibilities	.04 (0.20)	.03 (0.18)	-.23 (-1.18)	.02 (0.10)	.33 (1.76)
Nothing Helps	-.17 (-0.82)	-.19 (-.090)	-.33 (-1.59)	.16 (0.62)	.15 (0.75)
Hopeless	-.15 (-0.58)	.06 (0.23)	-.05 (-0.18)	.08 (0.25)	.10 (0.41)
Clear Idea	-.19 (-0.98)	-.28 (-1.40)	-.23 (-1.10)	.04 (0.19)	-.07 (-0.37)
Length of Conflict	.01 (1.70)	.01 (2.06*)	.01 (0.90)	.00 (0.86)	.00 (0.68)

	I Could Express Myself	Underlying Issues	Issues Resolved	Difference-Level Responsibility	Difference-Learn They Are Wrong
Police Called	-.06 (-0.15)	-.77 (-1.93)	-.47 (-1.18)	.31 (0.67)	.01 (0.02)
Pre-Level of Responsibility	.57 (1.97*)	.26 (0.96)	.13 (0.42)		.28 (1.03)
Related Case	.20 (0.43)	.28 (0.62)	-.47 (-1.03)	-.84 (-1.45)	-.08 (-0.18)
See It My Way	.38 (1.43)	.38 (1.42)	-.58 (-1.98*)	-.12 (-0.37)	
Pre-My Needs Important					-.53 (-2.05*)
Male	.04 (0.12)	-.25 (-0.84)	-.45 (-1.41)	.79 (2.07*)	-.41 (-1.38)
Below Poverty	-.37 (-1.02)	-.14 (-0.40)	-.83 (-2.20*)	-.57 (-1.26)	-.14 (-0.40)
White	-.51 (-1.34)	.03 (0.08)	.20 (0.49)	-.06 (-0.12)	-.04 (-0.11)
Age	-.01 (-1.21)	-.00 (-0.39)	.00 (0.27)	.01 (0.56)	.00 (0.35)
Born in the US	.51 (1.31)	.29 (0.78)	.32 (0.82)	.23 (0.49)	-.22 (-0.59)
Number of Observations	204	203	203	201	201
Pseudo R-squared	0.0596	0.0599	0.0599	0.0611	0.0437

I Expressed: I was able to express myself, my thoughts, and my concerns during the ADR or settlement conference (asked of cases in ADR)/ I was able to express myself, my thoughts, and my concerns during the court process (asked of cases in trial).

Plaintiff and pre-responsible both have a positive and statistically significant effect on *I Expressed*.

Underlying Issues: I think all of the underlying issues in this conflict came out in the ADR or settlement conference (asked of cases in ADR)/ I think all of the underlying issues in this conflict came out in the court process (asked of cases in trial).

Individuals who consulted counsel before coming to court are less likely to indicate that the underlying issues came out in ADR or court. Individuals involved in longer conflicts are more likely to indicate that the underlying issues came out.

Issues Resolved: Do you think the issues that brought you to court today are resolved? 0= no; 1=partial; 2 = yes, completely

Below Poverty and *See it My Way* have negative and significant effects on *Issues Resolved*.

Difference – Level of Responsibility: Do you think you are not at all responsible, somewhat responsible, or fully responsible for what happened? (0 = not at all, 1= somewhat, 2 = fully) Post intervention answer – pre-intervention answer. A positive number demonstrates an increase in reported responsibility, a negative represents a decrease in reported responsibility.

Men were more likely to increase the level of responsibility that they reported after compared to before the court or ADR.

Difference – Learn Wrong: Difference in values from pre-intervention to post-intervention: The other person/people need to learn that they are wrong in the issues that brought me to court.

Participants who were more likely to report that it's important to get their needs met in the pre-test were more likely to shift toward disagreement with the statement “the other person needs to learn they are wrong” from before to after the court process.

Table C-2: Logistical Regression Results: Variables with Differences between the Control and Treatment Groups and Demographic Variables on “Post-No Responsibility or Apology” and “Post-I acknowledged Responsibility”

	No Responsibility or Apology	I Took Responsibility
Baltimore City	-.84 (-1.80)	-.32 (-0.55)
Contract	-.55 (-1.17)	-.41 (-0.69)
Plaintiff	-.32 (-0.72)	.18 (0.33)
Consult Counsel	.16 (0.35)	.07 (0.11)
Support Person	.22 (0.50)	-.08 (-0.14)
Clear Idea	-.22 (-0.86)	.12 (0.39)
See it My Way	.29 (0.94)	-.48 (-1.18)
Positive Possibilities	.18 (0.76)	.17 (0.51)
Nothing Helps	.08 (0.32)	.01 (0.04)
Hopeless	.19 (0.58)	-.49 (-1.22)
Length of Conflict	-.01 (-0.97)	-.00 (-0.03)
Related Case	1.92 (2.53*)	-1.80 (-1.98*)
Police Called	.33 (0.65)	-1.09 (-1.41)

	No Responsibility or Apology	I Took Responsibility
Pre-Level of Responsibility	-.87 (-2.40*)	1.18 (2.63**)
Male	-.71 (-1.92)	1.44 (2.93)
Below Poverty	1.16 (2.54*)	-.44 (-0.79)
White	1.07 (2.05*)	-2.13 (-2.62*)
Born in the US	-.43 (-0.85)	.92 (1.33)
Constant	.37 (0.17)	-.03 (-0.01)
Number of Observations	198	196
Pseudo R-squared	0.1792	0.2785

Post-No Responsibility or Apology: Neither of us acknowledged responsibility or apologized.

Pre-Level of Responsibility has a negative and significant effect on *No Responsibility or Apology*; and *Related Case*, *Below Poverty* and *White* have a positive and significant effect.

Post-I Acknowledged Responsibility

Pre-Level of Responsibility and *Male* have a positive and significant effect on *I Acknowledged Responsibility*; and *Related Case* and *White* have a negative effect.

Review of Appendix B Outcomes:

The primary attitudinal measures which seem to be different for the treatment and control group are *Clear Idea* (-), *Positive Possibilities* (-), and *See it My Way* (-). When we include these variables in the equations to predict the outcomes of interest, they are often not significant. Predicting each of the outcomes without ADR in the equation provides information about what additional variables should be included in the analysis when we test for the impact of ADR. We are able to hold constant for these variables to isolate the effect of ADR.

The primary demographic measures that are significantly different in the ADR and treatment group are *Age* (with older people more likely in the treatment group) and *Below Poverty* (with people below poverty more likely in the treatment group). *Male* has a positive and significant impact on difference in level of responsibility and on *I Took Responsibility*; and *White* race has a negative and significant impact on *I Took Responsibility*. *Below Poverty* has a statistically significant negative effect on issues resolved and no responsibility/apology. These demographic measures will be included in the equations which measure the impact of ADR.

APPENDIX D: Results of Multinomial Logistic Regression

This Appendix contains the results of multinomial logistical regression measuring the effect of ADR on *Issues Resolved*. Because we cannot make the assumption the difference between 0 (not resolved) and 1 (partially resolved) is the same as the difference between 1 (partially resolved) and 2 (fully resolved), we check our ordinary least squares ordered logistical regression results with multinomial logistical regression, which allows us to relax such assumptions. Multinomial logit measures the effect of the impact of the variables on each of the outcomes, compared to one fixed outcome. In this case, it measures the effect of ADR on a 0 compared to the result of ADR on 2 and then the effect of ADR on 1 compared to the effect of ADR on 2.

Table D-1: *Multinomial Logistical Regression Results: ADR on “Issues Resolved”*
(Outcome Post-issues resolved = 2 is the comparison group)

		Number of obs = 216	
		Pseudo R2 = .1666	
Post-Issues Resolved	Coefficient	Standard Error	z
0			
ADR	-.77	.42	-1.84
Baltimore City	.03	.49	0.06
Contract	-.36	.46	-0.77
Consult Counsel	.18	.49	0.37
Plaintiff	-.62	.43	-1.44
Represented	-.09	1.97	-0.05
Positive Possibilities	-.18	.25	-0.72
Clear Idea	.10	.25	0.42
Length of Conflict	-.00	.01	-0.58
Police Called	.17	.49	0.35
See It My Way	.37	.34	1.08
Male	.38	.39	0.98
Below Poverty	.65	.44	1.47
White	-.78	.51	-1.52
Age	.00	.01	0.33
Negotiated Agreement	-1.96	.55	-3.55**
Constant	-1.19	2.08	-0.57
1			
ADR	-1.17	.49	-2.38*
Baltimore City	.44	.50	0.87
Contract	.17	.51	0.34
Consult Counsel	.00	.53	0.00
Plaintiff	.34	.47	0.71
Represented	-13.78	1684.85	-0.01
Positive Possibilities	.08	.27	0.28
Clear Idea	.35	.30	1.14

		Number of obs =	216
		Pseudo R2 =	.1666
Post-Issues Resolved	Coefficient	Standard Error	z
Length of Conflict	-.01	.01	-0.99
Police Called	-.29	.61	-0.47
See It My Way	.61	.38	1.60
Male	.27	.42	0.63
Below Poverty	-.50	.56	-0.90
White	-.22	.51	-0.43
Age	-.00	.01	-0.22
Negotiated Agreement	-.36	.52	-0.69
Constant	-5.00	2.41	-2.08

The results of the multinomial logistical regression show us that the negative and significant coefficient on ADR in (Issues Resolved = 1) means that participants in ADR are less likely to report partial resolution compared to their likelihood of reporting full resolution. The negative and significant coefficient on *Negotiated Agreement* in (Issues Resolved = 0) means that participants in who got a negotiated agreement are less likely to report no resolution compared to their likelihood of reporting full resolution.

APPENDIX E: Judicial Criteria for Referring Cases to ADR

Table E-1 below shows responses from four judges from the Montgomery County District Court location who rotate to hear small claims cases, when asked what criteria they use to select cases appropriate for ADR. The cells are completed if the judge's narrative included information about that criterion. If the judge's narrative did not include information about that criterion then the cell is left blank.

Table E-1: *Judge's Criteria for Referring Cases to ADR in Montgomery County*

	Criteria	Judge One	Judge Two	Judge Three	Judge Four
Eligible for Referral	All contract cases, with liability and/or damages in dispute	Yes	Yes		
	Personal injury cases where liability is not in dispute but damages are	Yes	Yes		
	Performance or service dispute	Yes	Yes		
	Property dispute		Yes		Yes, esp if neighbors
	Personal relationship between parties	Yes, esp if 'scorned'			Yes, esp if family or co-workers
	Time delay before trial	Yes		Yes	
	Poorly reasoned claims	Yes, if "technically complicated or difficult to prove"		Yes, if "claims are not clear or well-focused"	
	Self-represented cases	Yes, if they seem willing			Yes
Potentially Eligible	Only plaintiff rep	Yes, if lawyer is not intimidating	May not send	May, "in all cases, I consider representation"	
	Animosity between parties	Yes, "just resentment, not violence"	No, if "violence or animosity"		

Criteria		Judge One	Judge Two	Judge Three	Judge Four
	Very polarized parties	Yes, "experience may open eyes to alternatives"		Yes, if "they are not realistically considering their positions"	
NOT Eligible for Referral	Case is ready to be called for trial			No	
	Violence or weapons	No	No		No
	Mental illness				No
	Auto negligence			No	
	Personal injury, liability in dispute		No		

APPENDIX F: Surveys and Consent Forms

Maryland Judiciary Dispute Resolution Study Consent Form

The Maryland Judiciary is conducting research about Alternative Dispute Resolution in the court system, and the research is looking at how you experience the court system. Part of the study will compare the results of alternative dispute resolution to the results of cases that go to trial.

All of the data collected will be kept strictly confidential:

- Only the research team will have access to the data.
- The court will not have access to your personal information. Your information will be entered into the database and then destroyed.
- Answers from over 2,000 people total will be in the database.

Participation in this study is completely voluntary and you may choose to stop at any time. If you choose to participate:

- You will be asked a short survey before and after your trial.
- Information will be gathered from your case file and other law enforcement records.
- Your choice (to participate or not) will have no effect on your court case.
- Your participation assists the Maryland Judiciary in providing a better service.

After your trial is complete, the researchers will ask if you wish to participate in a short follow-up survey by phone in three months.

- If you choose to participate in the follow-up survey, you will be given \$10 for your participation.

By signing below, I agree that a Salisbury University researcher, under the direction of the Maryland Judiciary, may ask me questions about my conflict. I know that I can change my mind at any time and inform the researchers that I do not want to be part of this study.

Signed

Date

Printed Name

Parent/Guardian Signature (if minor)

Date

Printed Name

If you have any adverse effects or concerns about the research, please contact the primary investigator or the University Research Services Department at Salisbury University at [410-548-5395](tel:410-548-5395) or toll free [1-888-543-0148](tel:1-888-543-0148). Additional contact information can be found at www.marylandADRresearch.org

PARTICIPANT SURVEY (PRE-SESSION - CONTROL)
District Court Day of Trial

FOR OFFICE USE ONLY

RESEARCH CASE NUMBER _____

Name of person being interviewed _____

Plaintiff v. Defendant _____

Interviewer: Read the following Confidentiality Statement to the respondent before proceeding

Your participation in this survey is completely voluntary. You may choose to not answer any question or stop the survey at any time. Your answers are confidential. They will not be shared with the other involved parties, the court, or your lawyer.

A. Participant and Case Information

1. Are you the:

- ☐ Plaintiff (person who filed) ☐ Defendant (person who responded)
☐ Support person for Plaintiff ☐ Support person for Defendant ☐ Other

2. Are you being represented by a lawyer? ☐ Yes ☐ No

2a. If no, did you consult with an lawyer before coming today? ☐ Yes ☐ No

3. Do you have anyone else with you today, such as a support person or advocate?

- ☐ Yes ☐ No

3a. How personally affected [is this person] or [are you] by the issues that brought you to court?

- ☐ [They are] or [I am] more affected by this conflict than [me] or [the named party]
☐ [They are] or [I am] equally as affected by this conflict as [me] or [the named party]
☐ [They are] or [I am] less affected by this conflict than [me] or [the named party]
☐ [They are] or [I am] not personally affected by this conflict

3b. How influential are [they] or [you] in any decisions made in regard to these issues?

- ☐ Very influential ☐ Somewhat influential ☐ Not very influential

4. Have you ever been involved in another court case? (check all that apply)

- ☐ Plaintiff ☐ Defendant ☐ Witness ☐ None

4a. If yes (plaintiff or defendant), how many times in the past five years? _____

5. Prior to this case, have you ever been involved in any of the following processes?

- ☐ Mediation ☐ Arbitration
☐ Settlement conference ☐ Not sure
☐ Community Conferencing ☐ No, I have not

B. Participant's Opinion

6. Using the following scale, express your agreement or disagreement with the following statement:

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
I have a clear idea of what I want to get from today's court process.					

7. What results are you hoping to get today? _____

9. Have you done anything to prepare for the trial today? ☐ yes ☐ no ☐ not sure

12. Prior to today, have you had a conversation with the other person/people involved in this case to try to resolve these issues?

☐ yes ☐ no

10. Were you aware that there were opportunities for mediation or Alternative Dispute Resolution before filing a court case?

☐ yes ☐ no

11. Would you have liked an opportunity to try mediation or Alternative Dispute Resolution prior to today's trial? ☐ yes ☐ no

13. For this case, have you already been involved in any of the following processes:

☐ Mediation ☐ Arbitration
☐ Settlement conference ☐ Trial
☐ Community Conferencing ☐ Not sure
☐ No, I have not

14. Do you think you are:

☐ Not at all responsible for what happened
☐ Somewhat responsible for what happened
☐ Fully responsible for what happened

15. How long have the issues that brought you to court been going on? _____

16. Have the police been called in regard to these issues? ☐ yes ☐ no

If yes, how many times have the police been called? _____

Over what time period, in months? _____

17. Other than today's court case, have other cases been filed related to these issues?

☐ yes ☐ no

If yes, which types of cases?

☐ Criminal ☐ Family ☐ Civil ☐ Juvenile ☐ Appeals ☐ not sure

18. Using the following scale, express your agreement or disagreement with the following statements:

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
I think there are a number of different ways to resolve the issues that brought me to court today.					
It's important that I get my needs met in the issues that brought me to court today.					
It's important that I understand what the other person/people want in the issues that brought me to court today.					
The other person/people need to learn that they are wrong in the issues that brought me to court today.					
It's important that the other person/people get their needs met in the issues that brought me to court today.					
It's important for me to have a positive relationship with the other person/people involved in the issues that brought me to court today.					
I feel like I have no control over what happens in the issues that brought me to court today.					
The other person/people involved in the issues that brought me to court today want the exact opposite of what I want.					
I can talk about my concerns to the person/people involved in the issues that brought me to court today.					
It doesn't seem to make any difference what I do in regard to the issues that brought me to court today, it'll just remain the same.					
In general, I think conflict is a negative thing.					
I feel prepared to go to trial.					
The court system cares about helping people resolve disputes in a fair manner					

C. Demographic information

19. Are you male or female? ☐ Male ☐ Female

20. How old were you on your last birthday? _____

21. How many people live in your household, including you? _____

<p>22. What is your household income? Please check the appropriate box.</p> <p><input type="checkbox"/> Less than \$10,000</p> <p><input type="checkbox"/> \$10,000 to \$15,000</p> <p><input type="checkbox"/> \$15,000 to \$25,000</p> <p><input type="checkbox"/> \$25,000 to \$35,000</p> <p><input type="checkbox"/> \$35,000 to \$50,000</p> <p><input type="checkbox"/> \$50,000 to \$75,000</p> <p><input type="checkbox"/> \$75,000 to \$100,000</p> <p><input type="checkbox"/> \$100,000 to \$150,000</p> <p><input type="checkbox"/> \$150,000 to \$200,000</p> <p><input type="checkbox"/> \$200,000 or more</p>	<p>23. What is your race? Please check the appropriate box</p> <p><input type="checkbox"/> White</p> <p><input type="checkbox"/> Black or African American</p> <p><input type="checkbox"/> Hispanic or Latino (e.g., Mexican, Puerto Rican, Cuban)</p> <p><input type="checkbox"/> American Indian and Alaska Native</p> <p><input type="checkbox"/> Asian (e.g., Asian Indian, Chinese, Filipino, Japanese, Korean)</p> <p><input type="checkbox"/> Native Hawaiian and Pacific Islander (e.g., Samoan, Guamanian)</p> <p><input type="checkbox"/> Other, please specify: _____</p> <p>23a. Were you born in the United State <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>23b. If no, how long have you lived in the US? _____</p>
---	---

24. What language(s) are spoken in your household?
- ☐ English only
- ☐ English and another language (Please specify the language(s): _____)
- ☐ Only a language other than English (Please specify the language(s): _____)

a. How well do you think you speak English?

- ☐ Very well ☐ Not well
- ☐ Well ☐ Not at all

25. Do you have a military background?
- ☐ Yes, I am active duty, reserve, or national guard
- ☐ Yes, I'm a veteran ☐ No

26. Do you have any disabilities?
- ☐ Yes ☐ No

a. If yes, please specify:

27. What is your relationship to the other party in this court case?
- | | | |
|--|--|--|
| <input type="checkbox"/> Friend/Acquaintance | <input type="checkbox"/> Boy/Girlfriend | <input type="checkbox"/> Ex-boy/girlfriend |
| <input type="checkbox"/> Domestic Partners/Spouses | <input type="checkbox"/> Separated/Divorced | <input type="checkbox"/> Other Family |
| <input type="checkbox"/> Employer/Employee | <input type="checkbox"/> Former Emp/Employee | <input type="checkbox"/> Co-workers |
| <input type="checkbox"/> Neighbors | <input type="checkbox"/> Room/Housemates | <input type="checkbox"/> Strangers |
| <input type="checkbox"/> Other | <input type="checkbox"/> Landlord/Tenant | <input type="checkbox"/> Customer/Business |

28. What is your highest completed level of education?
- | | | |
|--|--|---|
| <input type="checkbox"/> No Formal Education | <input type="checkbox"/> Grammar School | <input type="checkbox"/> High School/GED |
| <input type="checkbox"/> Trade School/Certificate Program (post high school) | | |
| <input type="checkbox"/> College | <input type="checkbox"/> Graduate degree (MA, PhD) | <input type="checkbox"/> Law School (JD, LLM) |

PARTICIPANT SURVEY (POST-SESSION - CONTROL)

District Court Day of Trial

FOR OFFICE USE ONLY

RESEARCH CASE NUMBER _____

Name of person being interviewed _____

Plaintiff v. Defendant _____

Interviewer: Read the following Confidentiality Statement to the respondent before proceeding

Your participation in this survey is completely voluntary. You may choose to not answer any question, or stop the survey at any time. Your answers are confidential. They will not be shared with the other involved parties, the court, or your lawyer.

Note to Interviewer: Use the term TRIAL or NEGOTIATED SETTLEMENT, based on what occurred today.

A. Participant's Opinions

1. Using the following scale, please express your agreement with the following statements:

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
I was able to express myself, my thoughts, and my concerns during the court process.					
Through the court process, I became clearer about what I want in this situation.					
Through the court process, I think I understand the other person/people involved in the situation better.					
Through the court process, I think the other person/people involved in the situation understand me better.					
I think all of the underlying issues in this conflict came out in the court process.					
The other person/people listened to me.					
I think the outcome reached today is fair					
I think I can implement the results of the outcome reached today					
I'm satisfied with the process of the trial or negotiated agreement I just completed					

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
I'm satisfied with the outcome of the trial or negotiated agreement I just completed					
I am satisfied with my interactions with the judicial system during this case					

2. Do you think the issues that brought you to court today are resolved?

☐ Yes ☐ Partially ☐ No

3. Was there a recognition of responsibility or an apology?

- ☐ Yes, I acknowledged responsibility
- ☐ Yes, I apologized
- ☐ Yes, the other people/person acknowledged responsibility
- ☐ Yes, the other people/person apologized
- ☐ No, neither of us acknowledged responsibility or apologized

4. Do you think you are:

- ☐ Not at all responsible for what happened
- ☐ Somewhat responsible for what happened
- ☐ Fully responsible for what happened

5. Using the following scale, express your agreement or disagreement with the following statements:

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree
I think there are a number of different ways to resolve the issues that brought me to court.					
It's important that I get my needs met in the issues that brought me to court today.					
It's important that I understand what the other person/people want in the issues that brought me to court today.					
The other person/people need to learn that they are wrong in the issues that brought me to court today.					
It's important that the other person/people get their needs met in the issues that brought me to court today.					
It's important for me to have a positive relationship with the other person/people involved in the issues that brought me to court today.					
I feel like I have no control over what happens in the issues that brought me to court today.					

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree
The other person/people involved in the issues that brought me to court today want the exact opposite of what I want.					
I can talk about my concerns to the person/people involved in the issues that brought me to court today					
It doesn't seem to make any difference what I do in regard to the issues that brought me to court today, it'll just remain the same.					
In general, conflict is a negative thing.					
The court system cares about helping people resolve disputes in a fair manner.					

C. Costs: direct (fees) and indirect (missed work)

6. How many days total did you participate in legal, mediation, or other activities for this court case, including today? _____

a. Approximately how many hours did you spend in these activities? _____

b. How many days did you have to take off work for this court case? _____

c. If you needed to take unpaid absences for this court case, how much do you estimate you lost in wages/salary? _____

d. Is there any possibility of you losing your job due to time lost for this court case?

☐ Yes ☐ No ☐ Not sure

e. Is there any possibility of you being otherwise penalized at work (losing privileges, priority for choosing shifts, etc), due to time lost for this court case?

☐ Yes ☐ No ☐ Not sure

7. If you are represented by an attorney, what is your total estimated cost in attorney fees for this situation? _____

8. If you care for dependents (children or other dependents), did you require additional help with care in order to participate in legal or mediation activities for this situation?

☐ Yes ☐ No

8a. If yes, about how many total hours of additional care did you require to attend these activities for this case? _____

8b. In total, how much did it cost you to have added care to attend these activities (do not include care costs that you would normally incur with or without attending these activities):

\$ _____

APPENDIX G: Handout Regarding ADR Referrals

Below is the handout given to all courtroom clerks in Baltimore City, regarding selection of ADR and control cases.

Day of Trial ADR Program Cheat Sheet For D1, Baltimore City Civil Courtroom Clerks (With ADR Research Project Instructions)

Step One: Preliminary Case Screening in Anticipation of a Day of Trial ADR Practitioner or Research Team

(This step should be completed for every afternoon docket, including Wednesday afternoons when there is no ADR Practitioner present, but the Research Team is scheduled)

- A. Identifying cases that are appropriate for ADR:
Both parties are present in the courtroom and have checked in.
Most civil case types are appropriate for ADR.
Experience has shown that the cases that are typically most willing or most likely to participate in ADR include: small claims contracts, replevin/detinue, LL/T (TNHO, FORC, BROL), and cases where both sides are self-represented.

HOWEVER...

Cases involving attorneys are appropriate for ADR.

Please feel free to refer cases that have attorneys on one side or both. Because ADR is a voluntary process, the attorneys or their clients can decline to participate once the case is referred to the practitioner.

- B. "Flagging" Cases for ADR:
Cases should be flagged, set to one side, etc. (whatever works best for you) for either the ADR Practitioner (Mon., Tues., Thurs., Fri., when one is scheduled) or the Research Team (Wed.).

Step Two: The ADR Practitioner or Research Team Will Check In

- A. ADR Practitioner Check-In
The ADR Practitioner will drop off a neon orange Check-In Form letting you know:
1. The name of the ADR Practitioner
 2. The ADR process (mediation or settlement conference) provided by the ADR Practitioner
 3. Where the ADR Practitioner will be waiting when not with a case in 207

If you have cases available for ADR (see **Step One**, above), please let the ADR Practitioner know when s/he checks in with you. The ADR Practitioner needs to drop off a neon orange Check-In Form at each active courtroom before s/he is available to take cases from your courtroom.

B. Research Team Check-In

On Wednesdays, the Research Team will check in with you.

PLEASE SKIP STEP THREE, AND PROCEED TO STEP FOUR ON WEDNESDAYS (RESEARCH TEAM DAYS)

Step Three: The Mediation Video and Introducing the Practitioner

The video should be shown on days when there is an ADR Practitioner available.

*****IF YOU DO NOT RECEIVE AN ORANGE CHECK-IN FORM, IT MEANS THERE IS NO ADR PRACTITIONER AVAILABLE FOR THE AFTERNOON DOCKET, AND THE MEDIATION VIDEO SHOULD NOT BE SHOWN.**

The video should NOT be shown on Wednesdays, when the Research Team is present.

The video should be shown after the litigants have checked into the courtroom.

The ADR Practitioner can be introduced using the “script” on the neon orange Check-In Form (see **Step Two**), or can introduce himself/herself. Once the ADR Practitioner has been introduced, the form should be placed on the bench for the judge.

Step Four: Referring Cases to the ADR Practitioner and the Research Team

After the ADR Practitioner has checked in with all active courtrooms by dropping off the neon orange Check-In Form (see **Step Two**), the ADR Practitioner is ready to receive case referrals, and will decide which courtroom to go to first.

One case should be referred at a time.

This applies to both the ADR Practitioner and the Research Team.

Even if there are multiple cases that may be available for ADR in a courtroom, the ADR Practitioner (or Research Team) can only handle one case at a time.

Please assist the ADR Practitioner and the Researchers in locating the parties to the case you are referring by:

Calling out the parties’ names (or allowing the Practitioner or the Researchers to call out the parties’ names) prior to the start of the docket.

Pointing out the parties in the courtroom while court is in session.

On Wednesdays, the Research Team (and not an ADR Practitioner) will be retrieving cases from your courtroom.

1. The Research Team will check-in with you and retrieve files you have flagged or set aside for ADR.
2. The Research Team will call the parties (and attorneys) in those cases and ask to speak with them in the hall.
3. When the Research Team is finished, they will send everyone back into the courtroom for their trial.

Appendix H: List of Advisory Committee Members

The Advisory Committee for this project has played a central role in the development of this research design, implementation in the courts, survey design, and guidance on data collection, and analysis and interpretation of the data.

Members of the Advisory Committee, along with their affiliated agency, are listed below in alphabetical order. This list includes members of the broader research team, who are active participants on the Advisory Committee.

Amber Hermann, District Court Clerk's Office

Barbara Domer, Conference of Circuit Court Administrators

Brian Polkinghorn, Bosserman Center for Conflict Resolution, Salisbury University

Clifton Griffin, Graduate Studies and Research, Salisbury University

Connie Kratovil-Lavelle, Family Administration

Deborah Eisenberg, Center for Dispute Resolution, Francis Carey School of Law, University of Maryland

Diane Pawlowicz, Administrative Office of the Courts, Court Operations

Douglas Young, Institute for Governmental Science and Research, University of Maryland

Haleigh LaChance, Bosserman Center for Conflict Resolution, Salisbury University

Heather Fogg, Mediation and Conflict Resolution Office (MACRO)

Jamie Walter, District Court Clerk's Office

Jeanne Bilanin, Institute for Governmental Science and Research, University of Maryland

Jonathan Rosenthal, District Court ADR Office

Joy Keller, Administrative Office of the Courts, Court Operations

Julie Linkins, Mediation and Conflict Resolution Office (MACRO)

Nick White, Mediation and Conflict Resolution Office (MACRO)

Pamela Oritz, Access to Justice Commission

Rachel Whol, Mediation and Conflict Resolution Office (MACRO)

Robb Holt, Administrative Office of the Courts, Court Operations

Roberta Warnken, District Court Clerk's Office

Roger Wolf, Francis Carey School of Law, University of Maryland

Toby Guerin, Center for Dispute Resolution, Francis Carey School of Law, University of Maryland

Wendy Riley, Conference of Circuit Court Administrators