

The Multi-Door Courthouse Idea: Building the Courthouse of the Future . . . Today

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with

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I. INTRODUCTION

"If a patient is ill, does the doctor always operate? Of course not. The doctor and patient discuss all possible solutions. Likewise with the legal field — for each legal ailment, a variety of options need to be discussed."¹ With these words, former court administrator Terry Simonson of Tulsa, Oklahoma, identified one of the legal profession's shortcomings: adapting the legal cure to the specific problem.

Justices of the United States Supreme Court have echoed a need for options. Chief Justice Warren E. Burger has, for many years, strongly advocated alternatives to the courts. In his January, 1982 "Annual Report on the State of the Judiciary" to the American Bar Association, he urged increased use of methods such as mediation, conciliation, and arbitration in "divorce, child custody, adoptions, personal injury, landlord and tenant cases and probate of estates."²

Justice William H. Rehnquist has commented, "Surely a government that insists on a monopoly of the legal process, as our governments do, should be expected to provide a system of dispute adjudication that is tailored to the needs of most potential litigants who will, voluntarily or involuntarily, make use of the system."³

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1. Presentation by Terry Simonson, Director, Tulsa Multi-Door Courthouse Program (November 7, 1984). Locally, the Tulsa program is called the Citizens' Complaint Center. (A public relations firm analysis determined that the term Multi-Door Courthouse was too confusing for the general public and community agencies. It was recommended that the title "Citizens' Complaint Center" be adopted. In the District of Columbia, one of the other Multi-Door Courthouse sites, an existing program which accepts citizens' criminal complaints, is known as the Citizens' Complaint Center; thus, D.C. is publicizing its program under the name "Intake Center - Multi-Door Courthouse Project.")

2. W. Burger, Address to ABA Midyear Meeting (Jan. 24, 1982), *Reprinted in* 68 A.B.A. J. 274, 276 (1982).

3. Address by Associate Justice William H. Rehnquist, at the dedication of the University of Florida Law School (September 15, 1984). Justice Rehnquist distinguished what law schools do well — philosophy and case analysis — and the areas which could be improved — the actual practice of law. One practical concern is court costs and delay. "Calls have been made for 'alternative methods of dispute resolution' and these calls have been responded to by charges that

Justice Sandra Day O'Connor made a case for court alternatives by noting, "The courts of this country should not be the places where the resolution of disputes begins. They should be the places where disputes end — after alternative methods of resolving disputes have been considered and tried."⁴

These statements do not mean that a variety of dispute resolution options are not presently available. Although courts are the most visible dispute settlers, alternatives such as consumer dispute mediation and arbitration programs, ombudspersons, prosecutor's programs for criminal complaints, community agencies, and neighborhood dispute centers that handle domestic conflicts, landlord-tenant problems, and other controversies supplement the courts in many American cities. These alternatives have rapidly spread across the United States in recent years, largely in response to major problems experienced by the courts such as delays, high costs, citizen dissatisfaction, and inappropriate processes for certain types of disputes. Alternative dispute processing programs have received strong support from a wide variety of groups, including the United States Chamber of Commerce, the Conference of Chief Justices, and the National Association of Counties.⁵ The American Bar Association chronicled the growth of such alternatives to the court in a 1983 directory.⁶

Because so many alternatives do exist, Judge Earl Johnson of the California Court of Appeals outlined the dilemma:

At present, it is almost accidental if community members find their way to an appropriate forum other than the regular courts. Since these forums are operated by a hodgepodge of local government agencies, neighborhood organizations, and trade associations, citizens must be very knowledgeable about community resources to locate the right forum for their particular dispute.⁷

these 'alternative methods' would result in a form of second-class justice." In this address, he questioned whether referring 50 to 60 percent of potential litigants to alternative dispute resolution "is a gross abuse of the monopoly of judicial power."

4. Address by Associate Justice Sandra Day O'Connor, at "Consumer Dispute Resolution Conference, Exploring the Alternatives" (Jan. 21, 1983). The conference was co-sponsored by the American Bar Association Special Committee on Dispute Resolution and the White House United States Office of Consumer Affairs. Justice O'Connor reminisced about her private law practice days and the great need for the availability of alternatives such as mediation and arbitration.

5. *Dispute Resolution Act; Hearings on S.957 before the Subcomm. on Courts, Civil Liberties, and the Admin. of Justice of the House Comm. on the Judiciary*, 95th Cong., 2nd Sess. 156-159 (1978) (statement by the National Association of Counties).

6. AMERICAN BAR ASSOCIATION, THE SPECIAL COMMITTEE ON ALTERNATIVE DISPUTE RESOLUTION, DISPUTE RESOLUTION PROGRAM DIRECTORY (1983).

7. Address by Earl Johnson Jr., Professor, UCLA Law School, "Some Promising Alternative

Since little uniformity and few guidelines currently exist for making referrals, the process frequently is one of "gut reaction." Nevertheless, alternative programs have proven successful in settling the disputes brought to them, and the justice system should take a necessary next step — integrating alternatives into the established system of justice.

II. THE MULTI-DOOR COURTHOUSE CONCEPT

Professor Frank E. A. Sander of Harvard Law School has proposed a concept for properly linking cases to appropriate forums for settlement — the Multi-Door Courthouse (also referred to as the Multi-Door Dispute Resolution Center, or simply Multi-Door Center). The ideal model proposed by Professor Sander includes a center offering sophisticated and sensitive intake services along with an array of dispute resolution services under one roof. A screening unit at the center would "diagnose" citizen disputes, then refer the disputants to the appropriate "door" for handling the case. Hence, the title "Multi-Door Courthouse."⁸

A variety of agencies, including the police, prosecutors' offices, courts, legal services, and social services agencies would refer citizens to the Multi-Door Center. Intake officers would attempt to resolve citizens' complaints during initial contact, either through telephone conciliation or by giving additional information. If the intake officers cannot settle a case in one of these ways, they would refer citizens to the most appropriate available dispute resolution mechanism. Arbitration, mediation, conciliation, and adjudication would be institutionalized in the justice system and structured to fit individual needs.

Dispute Resolution Mechanisms," at National Conference on Minor Disputes Resolution in New York City (May 1977). Professor Johnson was a member of the Special Committee on Resolution of Minor Disputes from 1976-1981. Professor Johnson was subsequently appointed Associate Justice on the State of California Court of Appeal, Second Appellate District, Division Seven, in Los Angeles. He is presently an advisor to the Special Committee on Dispute Resolution. See also, Johnson, *Toward a Responsive Justice System* in STATE COURTS: A BLUEPRINT FOR THE FUTURE (T. Fetter ed. 1978).

8. Address by Frank E.A. Sander, Bussey Professor of Law at Harvard University, at the National Conference on the Causes of Popular Dissatisfaction with the Administration of Justice (April 7-9, 1976). reprinted in The Pound Conference, 70 F.R.D. 79, 111 (1976). Professor Sander is also co-author of CASES and MATERIALS on FAMILY LAW (2nd ed. 1976) and READINGS in FEDERAL TAXATION (1970). He has served as a member of the Committee on Civil and Political Rights for Women (for the Presidential Commission on the Status of Women, 1961-63), as chairman of the Council on Legal Educational Opportunity (a national organization devoted to the recruitment and training of disadvantaged persons for law), and as chairman of the Massachusetts State Welfare Advisory Board.

The following chart⁹ visualizes the Multi-Door Courthouse Idea:

		Courts				
		Magistrates				Social
Police	Public	Clerks	Consumer	City/County	Community	Service
Prosecutors	Defenders	Bar Assoc.	Agencies	Officials	Groups/Citizens	Agencies

REFERRALS FROM

DISPUTE-COMPLAINT DIAGNOSIS
(Screening, Intake, and Referral)

REFERRALS TO

Social					Administrative	
Services	Mediation	Conciliation	Arbitration	Fact-Finding	Hearings	Ombudsperson
						Adjudication

Further Court Processing
or
Ongoing Social Services

In 1984, the American Bar Association (ABA) began developing experimental Multi-Door Centers in Tulsa, Oklahoma; Houston, Texas; and the District of Columbia. A major aim of this effort is to determine effective approaches for screening and referring disputes to appropriate forums. Successful implementation of this experimental effort could have a dramatic national impact on improving the delivery and access of justice to citizens.

This Article will describe the development of the ABA's Multi-Door Courthouse concept, discuss implementation of the plan and training goals, and define future considerations. Multi-Door Centers will be placed in the context of the ongoing search for alternative methods of dispute resolution.

III. HISTORICAL BACKGROUND OF THE DISPUTE RESOLUTION MOVEMENT

The current generation of alternatives to courts has many antecedents. In the 1950s, the juvenile court, often a source of innovation, developed some of the first community dispute resolu-

9. Kestner, McGillis & Ray, Concept Paper Submitted to the American Bar Association (March 1983).

tion centers. An example was the New Jersey Juvenile Conference Committee.¹⁰ In the late 1960s, the Prosecutor's Office in Philadelphia, building on a tradition of court-annexed arbitration, pioneered the use of arbitration as an alternative to formal adjudication for resolving relatively minor disputes.¹¹

The theory behind minor dispute mediation programs has been developed by such academics as Richard Danzig, Earl Johnson, Laura Nader, and Frank Sander.¹² These authors contend that most citizens who are involved in "minor disputes" want quick and inexpensive action. The adversarial court system requires a variety of procedures, which often delay action. Citizens become frustrated and feel that the system is not responsive to their needs. On the other hand, mediation is a simple procedure in which a session can be scheduled the same day that a complaint is registered.

In 1976, in his paper for the Pound Conference Revisited, Frank Sander provided his well-publicized model for the Multi-Door Courthouse.¹³ When Griffin Bell, former chairperson of the Pound Conference Follow-Up Task Force,¹⁴ became Attorney General in 1977, he initiated a program that included creation of mediation centers (Neighborhood Justice Centers) in Atlanta, Kansas City, and Los Angeles. The American Bar Association gave the movement an additional boost by holding an important conference at Columbia University in May, 1977. This conference reviewed a variety of dispute resolution techniques and helped to legitimize and publicize alternatives to courts.¹⁵

10. JUDICIAL ADMINISTRATION DIVISION, ABA, *THE IMPROVEMENT OF THE ADMINISTRATION OF JUSTICE*, (6th ed. 1981).

11. This program was called "Philadelphia Arbitration as an Alternative." Similar programs exist in Columbus, Ohio and New York City; Capital University Law Professor John Palmer created the Columbus, Ohio, Night Prosecutor's Program in 1971, and the Institute for Mediation and Conflict Resolution (IMCR) opened its first center in New York City in 1975.

12. See, e.g., Richard Danzig, *Toward the Creation of a Complementary Decentralized System of Criminal Justice*, 26 *STAN L. REV.* 1 (1973); Johnson, *ASSESSMENT OF ALTERNATIVE POLICY OPTIONS IN DISPUTE RESOLUTION: A PROPOSAL* (1976); Johnson, *supra* note 7; Nader, *Disputing Without the Force of Law*, 88 *YALE L. J.* 998 (1979); Sander, "Varieties of Dispute Processing," 70 *F.R.D.* 79, 111 (1976).

13. *Report on the National Conference on Minor Dispute Resolution*, ABA, prepared by Frank E.A. Sander (Cambridge: Harvard Law School, May 1977). See Sander, *supra* note 12.

14. For further reading on the Pound Conference, See *The Pound Conference*, 70 *F.R.D.* 79 (1976); Erikson, *The Pound Conference Recommendations*, 76 *F.R.D.* 277 (1978); See also, Sander, *supra* note 8.

15. Sander, *supra* note 12.

A common fallacy associated with the alternative dispute resolution movement is that mechanisms such as the Multi-Door Courthouse would eliminate the role of the courts and attorneys in resolving disputes. In fact, the alternative dispute resolution movement permits attorneys to define their roles more precisely. Former American Bar Association President David R. Brink envisions the day when attorneys will be viewed as "counselors, problem solvers, and deliverers of prompt, appropriate, and affordable justice."¹⁶

Moreover, the legal system must recognize its own role and responsibility in encouraging the rise of the alternative resolution movement. The Canadian Bar Association's former President, A. William Cox, acknowledged this responsibility when he said:

We must realize that these centers are being proposed because there is dissatisfaction with the justice delivery system. People are just not satisfied with the means with which they are given access to our judicial system. Accordingly, alternative means of delivering justice and of settling disputes are being requested, in fact demanded, by many of our citizens.¹⁷

Legal professionals and legal agencies have felt this responsibility toward alternative dispute resolution and, consequently, have influenced and supported the movement. This shared responsibility has led to implementation of Frank Sander's vision of the Multi-Door Courthouse.

IV. THE GROWTH OF ALTERNATIVE DISPUTE RESOLUTION PROGRAMS

The search for alternative methods of dispute resolution has burgeoned into a movement. For example, the number of minor dispute mediation centers grew from three in 1971 to more than 300 in 1981.¹⁸ This growth may indicate dissatisfaction with the adversarial approach to resolving disputes.

Four interrelated reasons account for the current growth of alternative dispute resolution programs. First, courts are overburdened, which causes long delays in responding to citizen complaints. Second, the courts currently are expected to resolve

16. ALTERNATIVE DISPUTE RESOLUTION: BANE OR BOON TO ATTORNEYS?. Panel Discussion Series Topic I of the ABA 1981 Annual Meeting, *reprinted in* THE SPECIAL COMMITTEE ON ALTERNATIVE DISPUTE RESOLUTION, ABA, 13 (1982).

17. *Id.* at 16.

18. DISPUTE RESOLUTION PROGRAM DIRECTORY, *supra* note 6.

disputes that they lack the expertise to handle. Third, alternative programs can substitute for the dispute settlement roles that extended families and communities provided more fully in the past. Fourth, alternative programs are capable of dealing with a whole conflict rather than a particular legal infraction that may be symptomatic of a larger problem.

As society has become more complex and impersonal, citizens have increasingly turned to the legal system for resolving their disputes. The result has been an unmanageable burden for the courts.¹⁹ Would more legal system personnel alleviate these long court delays? Some experts think not. They stress that courts cannot handle all the disputes citizens bring because a vast number of cases already await court attention, and they contend that the volume of cases would continue to expand if the courts expanded.²⁰

Why is the legal system overburdened? Ronald L. Olson, Chair of the American Bar Associations's Special Committee on Dispute Resolution, finds the explanation in the ways in which society has changed:

Increased urbanization, broadening government involvement in everyday life, and a waning of non-judicial institutions traditionally engaged in dispute resolution have combined to produce an unprecedented explosion of formal litigation. Judicial institutions have not kept pace. As a result, courts have been congested, living costs and delay have reduced the effectiveness of the judicial system, and justice as well as mercy has become more remote.²¹

Society's misperception of the role of the courts has contributed to a dissatisfaction with the legal system, and consequently, to the growth of alternative dispute resolution programs. Most large city prosecutors in the nation are confronted with scores of citizens each day who register what the citizens believe are criminal charges. In Philadelphia, about forty people bring complaints to the district attorney each day. On the average, only four leave with a filed charge.²² This proportion is typical of many prosecutors' offices.

19. In New York City more than 40 citizens file small claims actions each day only to wait months before reaching their first court appearance. Steven Pressman, *72,000 Case Overload*, LOS ANGELES LAWYER (May 1981).

20. Comments made during The Council on the Role of the Courts at Harvard Law School (1980).

21. DISPUTE RESOLUTION PROGRAM DIRECTORY. *supra* note 6.

22. Conversation with Philadelphia District Attorney's Office by Larry Ray (October 1983).

The situation occurs for several reasons. Most agencies do not view their roles as comprehensive complaint handlers but have a much narrower focus. For example, most prosecutors consider their duty as deciding, first, whether a crime has been committed and, second, whether all the elements exist that would make that crime prosecutable. If these factors do not exist, prosecutors normally decide that the problem is outside their scope.²³

In contrast, citizens often view the prosecutor's office as a "legal emergency room"²⁴ — a catch-all for any perceived legal wrong. Most citizens do not distinguish between criminal and civil cases. Of course, characteristics of both often can be found in the same problem. For instance, a landlord attempts to collect back rent, which is a civil action. The landlord and tenant suddenly become involved in a heated quarrel that leads to blows, elevating the problem to a criminal level. Another example might be a divorced couple's dispute concerning visitation rights with their children. The civil visitation dispute could lead to criminal telephone harassment.²⁵

Many leaders in the alternative dispute resolution movement note that traditional institutions such as the extended family, neighborhoods, churches, and communities are no longer as important as they once were in fostering social harmony. These informal forums once played a major role in resolving quarrels between persons who knew each other. A mother might have intervened in a dispute involving siblings, or a priest might have aided communication between parish members. To the extent that alternative dispute programs bring dispute settlement services closer to the parties involved and their communities than does the legal system, these options can be seen as a return to simpler, less complicated times.

Alternative programs are capable of resolving a whole conflict rather than a symptom of the larger problem. The ultimate goal of most mediation sessions is to consider what will happen if the

23. Discussion among the participating prosecutors at the Ohio Prosecuting Attorneys Association Annual Meeting (1980).

24. Susan Banks, MSW, Counselor at Southeast Mental Health Center, Columbus, Ohio. Ms. Banks coined this term in surveying the prosecutor's office; she provided mediation training for the Columbus Night Prosecutor's Mediation Program, 1977-79.

25. Sample case in Chapel Hill, NC, Citizens Dispute Settlement Program, 1984. This program is community based but receives a high percentage of cases from the district attorney's office before citizens file charges.

two parties encounter a similar problem in the future. During mediation, parties should address not only the present problem but also the underlying issues that created their dispute and how the dispute has affected their relationship.

This type of general conflict solving cannot be undertaken in a courtroom. A judge cannot deal with the variety of problems presented in a single case. The social problems confronting disputants can have both civil and criminal aspects but not involve a legal infraction. Unfettered by court limitations, a justice mediation program may be able to consider the whole dispute better than a court.

Because of this capacity, the alternative dispute resolution movement could help society focus on preventing disputes rather than on restraining them or cleaning up after their manifestations.

Conflicts in which the disputants know each other comprise approximately 70 percent of the cases in mediation programs throughout the country.²⁶ Settlement statistics are impressive in these cases. In mediation programs related to the legal system, such as the Atlanta Neighborhood Justice Center, if the parties know one another and appear for mediation, 85 percent of the time they reach an amicable agreement.²⁷

The question then arises whether one can attribute these impressive settlement statistics exclusively to the parties' previous relationship with each other. Since mediation programs are still rather new, legal system personnel such as prosecutors and judges often refer their most frustrating, and what they sometimes consider their most trivial, cases to mediation. In many instances, the parties know one another.

But settlement statistics remain high even when the mediation process is applied to stranger-to-stranger disputes. The Columbus, Ohio, Night Prosecutor's Mediation Program uses mediation to resolve such stranger-to-stranger disputes as worthless check cases, animal complaints filed by a city agency against a citizen, and health code violations.²⁸ The program reports that 85 percent

26. DISPUTE RESOLUTION PROGRAM DIRECTORY, *supra* note 6.

27. Cook, Roehl & Sheppard, NEIGHBORHOOD JUSTICE CENTERS FIELD TEST: FINAL EVALUATION REPORT (1980).

28. During 1978-79, the Columbus, Ohio, Night Prosecutor's Mediation Program began to offer mediation in a variety of non-interpersonal disputes. This service met one of the program's objectives, which was to relieve court caseload. However, the hearing process was distinguishable from mediation in a variety of ways. The sessions were usually short, were conducted in a hearing-like capacity, information was frequently given, and wrongdoing was usually admitted. All of these factors or process characteristics led the researcher (Harvard University) to term the process an "administrative hearing" rather than mediation.

of these cases are successfully settled.²⁹ Evaluations of Maine's statewide small claims mediation program relate similar statistics, regardless of the relationship between the disputants.³⁰

The growth of alternative dispute resolution programs, like mediation, shows that citizens believe these programs provide a simpler, more common sense, less expensive, and less time consuming way to resolve the thousands of disputes that plague the present system.

V. MULTI-DOOR COURTHOUSE OBJECTIVES

The Multi-Door Courthouse Idea has five objectives. The first is to increase citizens' awareness of the array of dispute resolution options available in their community. The second objective is to assist citizens in locating the appropriate forums for handling their disputes. The third is to assist dispute processing projects in obtaining appropriate case referrals, and to increase coordination of services among dispute resolution forums. The fourth objective is to increase knowledge about appropriate techniques for screening cases and matching specific cases to dispute processing forums based on evaluation research. Finally, the fifth objective is to encourage replication of centralized dispute-screening mechanisms. Successful implementation of these objectives could impact on improving the delivery and access of justice to citizens.

VI. IMPLEMENTATION OF THE MULTI-DOOR COURTHOUSE IDEA

In order to test the Multi-Door concept fully, the American Bar Association determined that a comprehensive dispute resolution approach was needed. Since the ABA did not find this approach currently in practice, it decided to establish three pilot projects to test the idea. These three-year projects involved three phases:

- Phase I - Intake and Assessment
- Phase II - Opening and Improving Doors
- Phase III - Evaluation and Replication³¹

During Phase I, the projects will create comprehensive intake centers. At these centers, trained intake specialists will analyze and "diagnose" citizen complaints.³² Based on assessment of the

29. COLUMBUS, OHIO CITY ATTORNEY'S OFFICE 1984 ANNUAL REPORT.

30. Clark, *MEDIATION IN MAINE, FIVE YEARS OF PROGRESS*. (Nov. 1982). A Report to the Chief Justice from the Court Mediation Service Judicial Department, State of Maine.

31. Kestner, McGillis & Ray, *supra* note 9.

32. *ALTERNATIVE DISPUTE RESOLUTION: BANE OR BOON TO ATTORNEYS?* *supra* note 16.

information gained through Phase I, Phase II will concentrate on establishing new dispute resolution mechanisms, or doors, as well as improving existing doors. Phase III will emphasize an overall evaluation of the concept and promotion of the idea, if viable, for replication. Embedded within the Multi-Door concept would be a dispute resolution structure.³³

A. Site Selection

The first step in implementing the Multi-Door Courthouse project focused on selecting three sites. The ABA wanted sites that would be open and agreeable to this new mode of operation. The ABA conducted a national search with the assistance of Janet Rifkin, a University of Massachusetts professor and a leading dispute resolution expert.³⁴

In assessing the considerations involved in selecting a site, U.S. District Court Judge Jack M. Gordon noted, "Such a negotiation structure must be both flexible in its operation and independent of a system that it seeks to modify."³⁵

After devising a list of criteria,³⁶ the ABA group sent a questionnaire to well-respected attorneys in the nine cities that appeared to be the most promising sites.³⁷ The questionnaire focused on the following areas:

- Is there a need for the Multi-Door Courthouse?
- What are the existing dispute resolution processes?
- What would be the reception of the legal, law enforcement, and community system to this idea?

The committee selected Tulsa, Oklahoma; Houston, Texas; and the District of Columbia as the three initial sites, based on evaluation of the questionnaire responses and on-site visits.

33. The experimental Multi-Door Centers, discussed below, have opened within the past eighteen months. Therefore, this paper can only knowledgeably discuss the issues involved in the intake and assessment phases of these projects. See *infra* note 71 for initial statistics on intake.

34. Janet M. Rifkin, Associate Professor in Legal Studies Program at the University of Massachusetts, created and directs the University Mediation Project in Amherst, MA. In addition, she served as the Ombudsperson for two years and now serves as an advisor to the ABA Special Committee on Dispute Resolution. After graduating from New York University School of Law, she worked as a trial attorney in the Criminal Defense Division of New York City Legal Aid Society.

35. *Fraizer v. Donelon*, 381 F. Supp. 911, 914 (E.D. La. 1974).

36. See Appendix A for a list of criteria used to assess possible Multi-Door Courthouse sites.

37. The questionnaire was sent to the local bar association president, the Young Lawyers Division chair of the bar association, the chief and/or administrative judge of the local court system, and a key contact person, usually the director of the local mediation program.

The Tulsa legal community organized *en masse* to support their application for the Multi-Door Courthouse. Coordinated by the then-Court Administrator, Terry Simonson, the Tulsa County Bar Association passed a formal resolution endorsing and supporting the establishment of a pilot program in Oklahoma.³⁸

Attorney William C. Kellough, former President of the Tulsa Bar's Young Lawyers Committee, expressed the community's receptivity to new ideas:

(T)he very early and continuing success of Project Early Settlement, under the auspices of the Tulsa Municipal Courts, demonstrates that our community will accept new and somewhat experimental techniques for resolving disputes. The Tulsa County Bar, through its Executive Committee, immediately recognized the value of such a program and has enthusiastically endorsed its efforts.³⁹

Letters from U.S. District Judge James O. Ellison, State District Judge Arthur Lory Rakestraw, Municipal Presiding Judge Laurence A. Yeagley, Governor George Nigh, Mayor James M. Inhofe, and Police and Fire Commissioner Roy Gardner all echoed the theme of Tulsa's leadership in judicial administration and innovative changes in the legal system.⁴⁰

38. The resolution, signed by C.B. Savage, Bar Association President, provides as follows:

WHEREAS the resolution of civil claims can be unnecessarily costly, complex, and inadequate in a formal institutional setting where the parties involved are in an adversary posture;

WHEREAS the resolution of criminal matters can be costly and complex and in many instances is inadequate in a formal judicial proceeding where the procedures and the attendant constraints and restraints are not equipped to criminal conduct to the end of protecting the interest of the public and those persons directly involved against the recurrence of such conduct except through the confinement of the accused;

WHEREAS to assist in the resolution of disputes in a complex society composed of citizens of different ethnic, racial, and socioeconomic characteristics, there is a compelling need to explore informal methods of dispute resolution forums as alternatives to such structured judicial settings;

WHEREAS dispute resolution centers can meet the needs of their neighborhoods by providing private forums in which persons may voluntarily participate in the resolution of both civil claims and criminal matters in an informal, personal atmosphere without restraint or intimidation;

THEREFORE; the Tulsa County Bar Association does hereby endorse and support the establishment of an ABA sponsored pilot program in Oklahoma to demonstrate the utility of said dispute resolution center.

This resolution was passed by the Tulsa County Bar Association in September 1982.

39. Letter from William C. Kellough, President of Young Lawyers Committee, Tulsa County Bar Association, to site selector Janet R. Rifkin (July 16, 1982).

40. These support letters were requested from a variety of city, community and legal leaders by Terry Simonson, a Tulsa Municipal Court Administrator (1980-84).

Houston also appeared eager to consider a new idea. Judge Frank G. Evans III of the Texas Civil Court of Appeals described Houston as "a city responsive to the legal needs of its citizens."⁴¹ He founded the dynamic Neighborhood Justice Center, which handles more than 3,000 complaints per year.

Attorney Kimberlee Kovach, formerly of the Columbus Night Prosecutor's Mediation Program, created the district attorney intake component for the Houston program. The intake component personnel take a comprehensive look at citizens' legal complaints. This component serves as the precursor for the sophisticated intake approach of the Multi-Door Dispute Resolution Center.

The District of Columbia Superior Court led the enthusiastic reception of the Multi-Door concept in that city. Chief Judge H. Carl Moultrie reported, "We are eagerly awaiting advice and directions. . . ."⁴²

Linda R. Singer, Executive Director of the Center for Community Justice, described the need for the concept and the status of the Washington metropolitan legal system:

At present, intake and referral are provided formally by the Citizens' Complaint Center and the Bar's Lawyer Referral and Information Service, and informally by the court clerk's office, the police, and the two prosecutors' offices. Various amendments to the city's Intrafamily Offenses Act have made all of these groups aware of the need for expanded coordination of existing dispute resolution processes and for information and guidance to the users of the processes. There also is a recognition by administrators of the Superior Court, which already has a voluntary arbitration program, that planning and experimentation should begin with the systematic use of mediation to resolve some of the disputes brought to court. Although the D.C. Mediation Service, which is housed in auxiliary court space, already accepts court referrals, referral to mediation depends on the knowledge and preferences of each individual judge. In some types of cases, such as pendent lite motions regarding custody and support in family cases, and landlord-tenant and small claims cases, referral to mediation might become automatic and the mediation performed in the courthouse.⁴³

41. Panel Discussion Series Topic 3 of the ABA 1983 Annual Meeting, *reprinted in THE SPECIAL COMMITTEE ON ALTERNATIVE DISPUTE RESOLUTION*, ABA, *ALTERNATIVE DISPUTE RESOLUTION: MEDIATION AND THE LAW: WILL REASON PREVAIL?* 45 (1983).

42. Letter from Superior Court Chief Justice H. Carl Moultrie accepting selection of D.C. Superior Court as a Multi-Door Courthouse site.

43. Letter from Linda R. Singer, Director, Center for Community Justice, to Ronald L. Olsen, Chairperson, ABA Special Committee on Dispute Resolution (Sept. 21, 1982).

B. *The Three Projects*

Professor Sander envisioned the Multi-Door Center as a place "where the grievant would first be channeled through a screening clerk who would then direct [the person] to the process [or sequence of process] most appropriate to [the] type of case."⁴⁴ He envisioned the courthouse as the Center not only for diagnosing complaints but also for providing the dispute resolution processes themselves. Although his idea appears reasonable, Sander recently commented that "the Multi-Door Courthouse may well be one of those ideas that is easy to describe but difficult to implement."⁴⁵ Personnel at each site have found this comment true. As the implementation plans developed, personnel were constantly confronted by the realities of how existing programs and procedures functioned and how they could fit into the Multi-Door Courthouse idea. Frequently the staffs discovered that the actual delivery of dispute resolution services varied from the textbook descriptions.

Each city's Multi-Door Center has a slightly different focus, as the following brief descriptions will reveal. Organizers from all three projects planned to undertake extensive public information efforts to ensure citizen awareness of the new services. These efforts included distribution of brochures; public service announcements on television, radio, and in the press; and announcements to local legal associations and other local organizations.

1. *Tulsa*

The Tulsa Multi-Door Center opened in April, 1984. Citizens register complaints at five locations in Tulsa: the Small Claims Court (2,000 cases filed yearly), the Police Department Screening Unit for citizen complaints (2,400 cases), the local National Broadcasting Corporation television station's action line (1,920 cases), the Mayor's office (1,200 cases), and a Tulsa community center (1,400 cases). Under Phase I, volunteers and a new staff manage the intake of citizen complaints and develop sophisticated screening and diagnostic procedures. An intake supervisor has developed consistent and appropriate filing forms for all five sites.

44. Sander, *The Multi-Door Courthouse: Settling Disputes in Year 2000*, BARRISTERS, ABA YOUNG LAWYERS DIV., Summer 1976 at 19.

45. Sander, *Conflict Resolution and Peacemaking: The Multi-Door Courthouse*, LXIII NATIONAL FORUM, THE PHI KAPPA PHI JOURNAL, 26 (1983).

Project Early Settlement, an established mediation and arbitration program, is the major recipient of referrals from the five screening centers. The Project, known nationwide for its dispute settlement efforts, has approximately 130 trained mediators who handle 1,200 cases yearly. The program is available to mediate small claims disputes, minor criminal matters, domestic relations cases, restitution issues associated with Municipal Court traffic violation cases, automotive warranty disputes (in conjunction with the local Better Business Bureau), and similar matters. Other "doors" receiving referrals in Tulsa include existing social agencies that handle housing issues, consumer matters, mental health services, family counseling, assistance to the elderly, and related disputes.

2. Houston

The Houston program began operation in December, 1984. The program's organizers developed procedures for intake screening and referral, and hired a new staff to handle the intake and diagnostic procedures. The program anticipates handling 20,000 cases each year. Plans also include direct coordination with existing dispute service agencies through on-site representation or computerized linkage.

Houston's program covers a wide range of civil and criminal disputes. The Houston Neighborhood Justice Center, which currently schedules 4,200 mediations a year and is nationally known for its dispute resolution accomplishments, plans to expand its caseload capacity to 6,000 cases each year. Other forums that receive referrals are the Better Business Bureau's mediation and arbitration services, Aid to Victims of Domestic Abuse, three agencies that handle civil disputes, and major justice agencies like the District Attorney's Office, City Prosecutor's Office, and Justice of the Peace Courts.

The Houston staff includes a director and five intake specialists. Staff members have been trained in interviewing and counseling skills. They also received in-depth training in referring cases to appropriate forums and, as part of the training, made site visits to each "door" that will receive referrals.⁴⁶

46. Proposal for Houston, Texas Multi-Door Courthouse System submitted to the ABA by Kimberlee K. Kovach, Assistant Director of the Houston Neighborhood Justice Center (1981-83) (July 1983).

3. *District of Columbia*

The District of Columbia's Multi-Door Center started operations in January, 1985. Three major intake and referral points are planned. The Citizens' Complaint Center, which processes 10,000 cases yearly, and the Lawyers Referral and Information Service, which processes 15,000 cases yearly, serve as two initial points. Later, a third intake and referral point will open at the Superior Court. Staff members and volunteers, supervised by professionals, operate the intake and referral efforts. All participants receive training in interviewing skills, case diagnosis, and referral techniques. The project is developing a referral manual that includes all existing legal, social service, and dispute settlement programs in the area. This manual will be used by intake and referral personnel.

The D.C. program expands two existing non-litigation alternatives. The first is the Voluntary Civil Arbitration Program. This program proposes the use of arbitration to resolve various minor disputes that currently overburden the District of Columbia's courts. The Better Business Bureau, the Board of Trade, the Chamber of Commerce, and major civil litigators will be urged to work with the courts to increase the use of arbitration. In addition, efforts will be made to stimulate citywide interest in arbitration. Publicity will include circulating a brochure that explains arbitration in both English and Spanish; promoting public input by the Mayor, City Council, and Advisory Neighborhood Commissions; and receiving referrals from a newly appointed committee of the D.C. Bar set up to encourage the increased use of arbitration.

Future proposals for the Voluntary Civil Arbitration Program include consideration of mandatory arbitration in certain cases, and a study evaluating the potential for on-call arbitrators.

Mediation at the Citizens' Complaint Center is the other existing non-litigation alternative that will be expanded under the D.C. program. Minor criminal delinquency cases slated for prosecution will be mediated if the complaining witness and the prosecutor consent. If necessary, the project director and court officials will meet with prosecutors to ensure that cases are sent to mediation on a regular basis. Project leaders anticipate that mediation can be used successfully to handle many shoplifting and vandalism cases as well as minor neighborhood assaults and disputes.

Another component of the D.C. program is establishment of two additional dispute resolution "doors." The first provides mediation of small claims matters. This mediation will help expedite processing cases and lessen in-court time for litigants and attorneys. A

group of mediators will be trained and available in court to mediate small claims cases at any time following intake.

The second new door introduces mediation in domestic relations cases that require immediate resolution, such as temporary child custody, support, and visitation. Thirty people with appropriate professional backgrounds will be selected to participate in an extensive six-day training program in domestic relations mediation. An anticipated 500 or more cases will proceed through mediation each year at no cost to the parties. Mediation will be voluntary; however, judges, the bar, and intake workers will urge parties to mediate.

The program's staff includes a project director, a mediation and arbitration assistant responsible for scheduling sessions and helping to interview and select candidates for mediation training, two intake supervisors for the Superior Court and the Citizens' Complaint Center, and two intake workers to conduct screening and referral at the Court. In addition, the project has approximately ten volunteer intake screeners who are assigned to all three intake sites. Both staff members and volunteers receive extensive training.

An Advisory Board helps to oversee project operation. The Board includes District of Columbia policymakers, directors of dispute settlement programs, and representatives of the bench, the bar, the community, social service agencies, and business.⁴⁷

C. *Summary of Projects*

The three implementation plans vary widely. In Tulsa, the Tulsa County Bar Association has become the key agency. Intake is not dependent on the judicial system but instead on various intake centers. In Houston, even though the Houston Bar Association sponsors the Multi-Door Courthouse, intake is principally done by the District Attorney's office. Increasingly, citizens are filing complaints at the sixteen Justices of the Peace courts. In the District of Columbia, the Superior Courthouse has become the major intake center. However, it is unclear whether most citizens view the Superior Courthouse as the central place to register complaints. In fact, over 15,000 citizen complaints are filed annually through the D.C. Citizens' Complaint Center.

47. Proposal for District of Columbia Multi-Door Courthouse System submitted to the ABA by Linda Finklestein, Director of the Division of Research and Special Projects of the D.C. Superior Court (June 1983).

After all three sites formulated their implementation plans, training became the next priority.

VII. PHASE I: THE INTAKE MODEL

To develop an intake model for training purposes, the intake specialist's role needed to be defined. Within some agencies, an intake worker is an advocate for the complainant. For example, intake clerks at the Montgomery County, Maryland, Offices of Consumer Affairs view their roles as that of protecting the consumer. The office believes that the consumer usually needs extra-governmental protection.⁴⁸ On the other hand, intake counselors at the Columbus, Ohio, Prosecutor's Office, as employees of the government, are concerned about the best interests of the state and its prosecuting witnesses. Actual practice in Columbus, however, demonstrates a more neutral role for intake counselors, and thus the Columbus program served as a basis for the Multi-Door Dispute Resolution intake model.⁴⁹

The issues of intake are similar to those inherent in lawyer-client or counselor/therapist-client relationships. Jack Himmelstein noted:

From the initial interview to the final disposition of a problem, lawyer and client are involved in a complex and often intense human interaction This relationship raises a number of fundamental issues: What does it mean to help another, to become another's advocate? What does it mean to be responsible for another? How should one person define or influence the goals of another? How does the lawyer-client relationship clarify what the client wants? How appropriate are feelings of compassion, caring, pity, anger, or guilt toward a client or the interests he represents? . . . Does a lawyer respond with counsel when it is needed?⁵⁰

These questions are clearly relevant to the intake process and will, along with numerous other perspectives, influence the training process.⁵¹

Project directors determined that the intake role could be divided into two primary functions: interviewing and counseling. In interviewing, the intake specialist asks many questions. The intake specialist must ascertain the problem, not resolve it during the in-

48. Interview with Director Barbara Gregg of the Montgomery County Office of Consumer Affairs, Maryland (November 1984).

49. Annual Report, *supra* note 29.

50. Himmelstein, *Humanistic Legal Education*, 53 N.Y.U. L. REV. 524-25 (1978).

51. Ray, Rifkin & Kestner, *MULTI-DOOR COURTHOUSE INTAKE & REFERRAL TRAINING MANUAL*, TAB D, p. 35 (Jan. 1985).

interview.⁵² The interviewing function is completed when the intake specialist can clearly summarize the problem and the complainant agrees with the summary.

When the interviewing function is completed, the counseling function begins. Counseling is a process of identifying and then weighing potential solutions, with their probable negative and positive consequences, in order to decide which alternative is most appropriate. The alternative chosen should be the one that is most likely to bring the greatest client satisfaction.⁵³

The intake diagnosis and referral process divides into six identifiable steps: Introduction, Complaint, Narration, Problem Identification and Clarification, Problem Summary, Consideration of Options and Consequences, and Option Selection Assistance.⁵⁴ These steps emphasize an orderly communication flow beginning with the citizen's complaint, continuing with a discussion of options and consequences, and ending with the selection and testing of one option. The goal of the process is to aid the citizen in resolving the problem in an efficient, satisfactory manner. This intake objective may be accomplished by matching the dispute with a specific dispute resolution process. Based on this comprehensive intake process, a first step toward resolution occurs during the initial meeting.

In the intake model the first four stages relate to interviewing, and the last two involve counseling. Despite this relatively clear

52. An initial goal of the intake process is to discern the various characteristics of citizens' complaints. Such characteristics might include the following:

- type of relationship between disputants
- length of relationship between disputants
- other parties involved
- weapons used
- previous problems between disputants
- previous attempts to resolve the problem
- needs of each disputant
- seriousness and duration of dispute
- number of contacts that led to dispute
- proximity of living situations of disputants
- likelihood and/or necessity of future contact

In addition, somewhat extraneous factors of the legal and social service system exist, such as specific policies for handling domestic violence, drugs, or worthless check complaints.

53. Thomas Colosi, Vice President of the American Arbitration Association and former president of the Society of Professionals in Dispute Resolution (SPIDR), recognized the need to choose appropriate dispute resolution processes in certain cases. Therefore, he designed a matrix that capsulizes the various dispute resolution programs and the types of common disputes. See Appendix B for the SPIDR dispute resolution matrix.

54. See Appendix C for an outline describing the six steps of the intake diagnosis and referral process.

model, key intake issues require ongoing attention. These issues include where to draw the line between intake and advocacy, where to establish boundaries,⁵⁵ and how to develop an effective working relationship with other agencies.⁵⁶

VIII. THE TRAINING PLAN

The intake training model consists of two parts. The first part focuses on developing skills in conflict identification. Conflict identification encompasses the concepts of communication, crisis and stress management, and perception. The second part of the intake training model involves demonstrating, role playing, and testing the developed concepts in order to establish them in the trainees. The training does not attempt to make the intake specialists counselors or attorneys. The goal is to make them more effective communicators and conflict intervenors.

Certain personal attributes cannot be taught. These attributes include a sense of timing, intuition, empathy, compassion, and sensitivity. But many techniques can be taught. Using creativity and flexibility as keys, intake training is geared toward teaching new techniques to and enhancing the existing qualities of intake workers. Intake training sessions emphasize several goals:

1. To develop a unique and comprehensive approach to the intake process that will familiarize the trainee intake worker with local resources. The staff member will then be prepared to make the appropriate diagnosis and a helpful referral if necessary;
2. To make use of existing resources at the intake center; and
3. To ensure that local resources will be used in a systematic fashion for follow-up training when the initial training ends.

A. *Conflict Identification*

Conflict is a normal part of daily life.⁵⁷ Intake specialists are trained to deal with interpersonal situations, that is, conflicts arising between individuals or groups of individuals.

A conflict is generally registered with the intake specialist after a specific event has disrupted the status quo. For example,

55. Such questions include the following: How much to ask? What facts are relevant? How much personal information is necessary?

56. *Id.* at TAB D, p. 36.

57. Scherrire, *Listen Up*, US AIR. (Sept. 1981, at 20).

neighbors may be in a state of conflict for many years over a property line. The equilibrium is disturbed when one of the neighbors chops down a tree growing on the disputed property line. Suddenly the conflict erupts into verbal threats or physical assaults. The complainant decides to go to the Multi-Door Courthouse and register a complaint.

The intake specialist should identify the event that triggered the complaint and discern the importance of the problem to the complainant, its duration, and the stability of the relationship between the conflicting parties.⁵⁸ If the complaint contains several issues, the intake specialist should help the complainant rank the various issues. To successfully obtain this important information, the intake specialist must be patient, responsive, courteous, neutral, creative, and realistic.

1. *Communication*

Communication consists of a sender, a receiver, and a message. The roles of sender and receiver alternate between the parties during a conversation. The sender conveys a message to the receiver as many times as is necessary to transmit some understanding.⁵⁹ While communication is the skill we use most often, many of us never learn to communicate well. The ability to communicate effectively is not intuitive. Eighty percent of our waking time is spent communicating, but the effectiveness level is about 25 percent.⁶⁰ Communication is one of the most important skills an intake specialist must acquire.

Some common problems that create blocks in communication include the sender's tone of voice, lack of eye contact, dialect, rapid speech, and inattention. Others may be less obvious. Certain words sent by the sender may elicit a negative emotional response from the receiver. For example, if during an intake interview the complainant declares, "all you bureaucrats are alike," the word "bureaucrats" may alienate the intake specialist and hinder communication.

Taking complaints has some additional communication hazards. Most people upon hearing complaints tend to respond by giving advice, lecturing, or sermonizing. However, the major purpose of an intake interview is to gather information and neutrally

58. Ray, Rifkin & Kestner, *supra* note 56, at TAB C, p. 32.

59. Ray, Rifkin & Kestner, *supra* note 55, at TAB J, p. 72.

60. PROSECUTOR'S INTAKE TRAINING MANUAL, Columbus, Ohio City Attorney's Office (1982).

respond to it. Training helps intake specialists become aware of communication blocks and how to overcome them.

2. *Crisis and Stress Management*

Since a feeling of crisis and stress frequently accompany the filing of a complaint, intake specialists must be able to identify these emotions. Complainants often perceive situations as insurmountable. They feel their problems cannot be resolved and that they have lost control. Intake specialists need to realize that a crisis is time-limited and is characterized by anxiety.

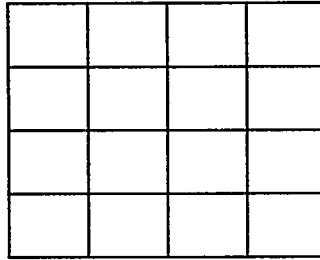
Intake specialists should be able to locate, legitimize, and help disperse such anxiety.

This role of crisis intervenor may initially seem beyond the responsibility of an intake specialist. Yet, most complainants will not be able to convey the content of their problems without first dealing with their emotions. Intake training demonstrates effective methods for dealing with stressful situations. The specialist can assist the complainant in viewing the problem as a turning point — a time to discover a new set of resources. Complainants should be encouraged to verbalize their emotions. Understanding the complainant's emotional state is a step toward gaining cooperation.

3. *Perception*

Perception is one of the most important concepts an intake specialist must understand. Perception is the process used to interpret a sender's messages. The messages received by the intake specialist do not always correspond to the sender's intent. This misinterpretation could be due to the timing of the incident or prejudice about a certain place or person. Rarely do two people in the same situation perceive it the same way. Intake specialists must realize that the complainant is registering a personal perception of the problem, which might be quite different from the other party's perception of the same problem.

For example, different people perceive the following diagram in various ways when asked the number of squares it contains.



Initially most people would discern sixteen squares. Others might see many more by combining the small squares into larger squares. When the two groups compare their perceptions, they often find possibilities that neither had thought of separately.

Intake specialists should help complainants describe their personal perception of the dispute objectively and fairly. A complainant often wants the acceptance of the intake specialist. Thus, the complainant may exaggerate or leave out facts, feeling that to do so will aid the case or cause the specialist to perceive the situation in a certain way. The job of the intake specialist is to try to gain the most accurate picture of the problem based on the complainant's perception.

B. Application of Training

Contained in the Appendix is an example of a dialogue that might occur between an intake specialist and a complainant.⁶¹ It can demonstrate to the reader how issues of conflict, communication, stress, and perception arise during an intake interview. The Multi-Door Courthouse training program uses similar demonstrations and includes role playing by the trainees.

IX. PHASE II: ASSESSMENT

The ABA determined that an ongoing assessment of the Multi-Door Courthouse was necessary. The Bar selected the Institute for Social Analysis (ISA) from Washington, D.C. to conduct the assessment. The assessment team will work directly with the local Centers to highlight accomplishments and to make necessary changes. ISA's evaluation is intended to assess the following objectives of the Multi-Door Courthouse:

1. To increase citizens' awareness of the array of dispute set-

61. See Appendix D for an intake demonstration.

- tlement options available in their community;
2. To assist citizens with locating appropriate forums for handling their disputes;
 3. To assist dispute processing projects in their efforts to obtain appropriate case referrals and to increase coordination of services among forums;
 4. To increase knowledge regarding appropriate techniques for case screening and appropriate methods of matching specific cases to specific dispute processing forums, based upon evaluation research; and
 5. To encourage the replication of centralized dispute-screening mechanisms.⁶²

ISA's proposal for the evaluation will put primary emphasis on assessing the process and outcome of the intake and screening procedures during the program's first 18 months. This will test whether dispute cases are in fact referred to *appropriate* dispute resolution forums in the community. Effective screening and referral processes are the cornerstones of the Multi-Door Center concept. The evaluation study will identify deficiencies in existing dispute resolution forums and gaps where services are needed, leading directly to the second phase of the program.⁶³

The major task of assessment at this time is to determine whether the appropriate dispute resolution process has been applied to each particular complaint. To accomplish this, the ISA will interview citizens regarding:

1. Satisfaction with their treatment at the Multi-Door Dispute Resolution Center;
2. Information on the referral — what program they were referred to, did they go, what happened there;
3. Satisfaction with the referral agency;
4. Status of the dispute follow-up — if the problem was resolved and how it was resolved, current relationship between the parties, if any; and
5. If the problem should recur or a new dispute arise in the future, would the complainant return to the Center?⁶⁴

ISA will continue to analyze information throughout the pro-

62. ASSESSMENT OF THE DISPUTE INTAKE & REFERRAL. The Institute for Social Analysis, Janice Roehl, Project Researcher. Grant Award from Adjudication Research, National Institute of Justice (June 1983), at 5.

63. *Id.* at 1.

64. *Id.* at 6.

ject period. They will continually update and summarize caseload information as well as add follow-up data from the disputant interviews as it becomes available. The new information will be provided to the Centers periodically.

A crucial part of ISA's analysis is to test the screening criteria and process, which links case intake information to the form and effectiveness of the resolution process. The results from interviews with key participants (staff, Advisory Board members, etc.), referral agency follow-ups, and community surveys will be compiled and integrated with the information gathered through the caseload analyses, disputant follow-up, and program observations and documentation. All of this information will be summarized in a final evaluation report and incorporated into the replication manual. The evaluation results throughout the first phase of the program will be used to guide the development of the second phase of developing or remodeling dispute resolution mechanisms. The follow-up data will identify effective, satisfying forums, and indicate where needed services do not exist or do not operate effectively.⁶⁵

Future Phases and Issues

In search for a more creative balance, Professor Sander has called for more evaluation of the comparative efficacy and cost of different dispute resolution mechanisms. "And, we need more data on the role played by some of the key individuals in the process, such as lawyers."⁶⁶ As the Multi-Door project moves into its second and third phases, it will confront many complex administrative, philosophical, and legal issues.

Possibly the most important issue goes to the very heart of the Multi-Door Dispute Resolution Center concept. The concept assumes that characteristics of a citizen's problem⁶⁷ exist that are not only identifiable but determinant. For example, in a landlord and tenant dispute, all factors may point to mediation as the most appropriate disposition. The tenant is withholding rent in an attempt to force the landlord to repair the leaking roof. The tenant wants to continue living in the apartment, which means the tenant desires an ongoing relationship. No serious injuries have occurred, so the situation may not be considered too severe for

65. *Id.* at 5.

66. Proposal for Tulsa Multi-Door Courthouse System submitted to the ABA by Terry Simonson, Tulsa Municipal Court Administrator (July 1983).

67. See *supra* note 56.

mediation. The dispute has lasted one year, with multiple contacts. So far, mediation seems appropriate. However, the landlord wants to make an example of this tenant for the other tenants. The issue of motive suddenly comes to the forefront.

Motives are not usually considered when weighing and balancing objective characteristics. However, a recent evaluation of the New York City Persons in Need of Supervision (PINS) Mediation Program, which handles juvenile delinquent cases, concludes that motive may be pivotal to the success of mediation. If the parents of the troubled juveniles really want the children at home, the mediation session usually results in an agreement. If the parents do not want the children at home, usually no agreement results.

The Multi-Door concept will have to accommodate the variable of motive. Disputants themselves often do not fully realize their motives, or they may attempt to hide their true motives if they feel that will help their position. Intake specialists or mediators must attempt to uncover motives while trying to resolve disputes.

Another issue facing the Multi-Door project is how to organize the various dispute resolution mechanisms. At present, the project organizes the range of dispute resolution options around the circumference of a circle, with intake at the hub.⁶⁸ Much of the writing in the dispute resolution field, though, treats the various mechanisms on an escalating basis. The phrase "bargaining in the shadow of the law"⁶⁹ capsulizes this way of looking at alternatives. According to this view, the lower end of the escalating plane is negotiation between the parties, then conciliation, fact-finding, mediation, arbitration, and, at the top, administrative hearings and the court processes of litigation and prosecution. Some dispute resolution centers also operate under this model. A dispute is first referred to mediation. If mediation does not work, the mediator becomes an arbitrator and the case is decided.⁷⁰ Underlying this transition is the assumption that the case requires

68. See Appendix E for the wheel depicting the Multi-Door intake and referral process.

69. Mnookin & Kornhauser, *Bargaining in the Shadow of the Law*, 88 YALE L. J. 950 (1979).

70. The American Arbitration Association first coined the escalating concept of Mediation-Arbitration (MED-ARB) and promoted its use in such mediation programs as the Atlanta Neighborhood Justice Center, Chicago Neighborhood Justice, and the Rochester (NY) Center for Dispute Settlement. In actual practice this concept has been used infrequently by many of these programs. Atlanta Neighborhood Justice has abandoned the concept. Although there is no empirical research to explain why the process concept has not been used more frequently, it is believed that once parties decide to participate in mediation, the chances of their reaching an agreement is extremely high. If they do not reach an agreement the option usually selected is litigation through the courts.

a more formal and decisive process. The processes that are more formal, decisive, fact oriented, and controlled by a third party are located at the top of the escalating scale. The Multi-Door project must continue to evaluate its present organization of the various dispute resolution mechanisms.

Questions of control are also controversial. What happens if citizens are dissatisfied with a dispute resolution operated by an entity outside the Multi-Door Center? Ideally, an outside entity would seriously consider any suggestions for improvement made by the Center. If it does not, should the Center cease referrals to that agency and create a similar process within its own operation? The evaluation of the Multi-Door Courthouse may help to answer these questions.

XI. CONCLUSION

This Article introduces the concept of the Multi-Door Dispute Resolution Center. This comprehensive dispute resolution program is presently in the first of its three phases. Consequently, it is premature to evaluate substantially its effectiveness in properly matching disputes to appropriate forums for settlement.⁷¹

The American Bar Association is committed to obtaining a fair evaluation of this innovative program. Bold ideas, like the Multi-Door Center, will alleviate problems plaguing our increasingly litigious society by supplementing the established legal system. The Multi-Door Courthouse hopes to accomplish a primary objective of the justice system: equitable resolution of disputes.

71. See Appendix F for the preliminary caseload statistics for the Multi-Door Centers.

APPENDIX A

MULTI-DOOR DISPUTE RESOLUTION CENTERS COMPARISON OF POTENTIAL SITES

Potential Sites

Considerations*	Boston	Chicago	Cincinnati	District of Columbia	Hartford	Houston	Minneapolis	Rochester	Tulsa
<i>Need</i> (demonstrated or stated)									
<i>Court involvement</i> present									
future									
<i>Bar Association activity</i> present									
future									
<i>Support</i> legal system									
law enforcement									
community									
<i>Dispute resolution processes</i> ongoing									
planned									
<i>Special Committee contacts</i>									
<i>Sponsors</i> (potential)									
<i>Funding potential</i> short-term									
long-term									
TOTAL									

*Rank one through five with five highest

TYPES OF DISPUTES

- Community:** disputes involving members of a community (e.g., between neighbors concerning noise levels or trespassing).
- Compulsory mediation/arbitration:** court-ordered mediation or arbitration.
- Consumer:** disputes between consumers and a manufacturer(s) (e.g., concerning quality, safety, or advertising of a product).
- Discrimination:** disputes involving an allegation of discrimination due to race, ethnicity, gender, etc. (e.g., regarding police treatment of minorities).
- Divorce settlement:** disputes involving parties engaged in a divorce (e.g., property settlement).
- Education:** disputes involving the nature, quality, or entitlement to education or concerning the treatment of educators by their employers (e.g., between parents and a school district involving services available to handicapped children).
- Equal Employment Opportunity Commission (EEOC):** disputes regarding equal employment practices (e.g., between an applicant and a corporation regarding hiring or promotion practices).
- Environmental:** disputes regarding environmental issues (e.g., release into streams of a chemical by-product of a manufacturing process).
- Family:** disputes involving family members (e.g., child custody disputes).
- Housing:** disputes regarding access, maintenance, cost, etc. of housing (e.g., landlord-tenant disputes).
- Insurance claims:** disputes between claimant and insurance company or between insurance companies (e.g., auto insurance or health insurance claims).
- Inter-jurisdictional:** disputes between jurisdictions (e.g., annexation disputes).
- International:** disputes involving parties of different nations (e.g., international trade, defense disputes).
- Juvenile Justice:** disputes involving juveniles and the juvenile justice system (e.g., truancy).
- Labor/Management (federal):** labor disputes in the federal government (e.g., between air traffic controllers and government).
- Labor/Management (private):** labor disputes in the private sector (e.g., between textile workers and management).
- Labor/Management (state and local):** labor disputes in state or local government (e.g., between teachers and administration).
- Mental health:** disputes involving the mental health community (e.g., placement of group homes).

- Native American:** disputes involving native Americans as complainants (e.g., between the federal government and native Americans involving rights to land).
- Prison:** disputes regarding the operation of, services provided by, and conditions of a prison (e.g., crowding).
- Professional malpractice:** disputes involving the recipient and provider of a professional service over the quality, sufficiency, cost, etc. of the service (e.g., medical or legal malpractice).
- Regulatory:** disputes involving rules promulgated to regulate industry, trade, safety, etc. (e.g., between a corporation and OSHA regarding safety regulations).
- State and local (non labor):** disputes involving state or local government as a party (e.g., between a community and the local government regarding traffic light placement).
- Tort liability:** dispute involving a wrongful act (that does not involve a contract) for which civil action may be taken (e.g., between cohabitants over damage to property).
- Victim assistance:** disputes involving the victim of a crime seeking compensation or other aid as a result of the crime (e.g., restitution).

DISPUTE RESOLUTION MATRIX

Arbitration: involves the submission of the dispute to a third party who renders a decision after hearing arguments and reviewing evidence. It is less formal and less complex and often can be concluded more quickly than court proceedings. In its most common form, *binding arbitration*, the parties select the arbitrator and are bound by the decision, either by prior agreement or by statute. In *last offer arbitration*, the arbitrator is required to choose between the final positions of the two parties. In labor-management disputes, *grievance arbitration* has traditionally been used to resolve grievances under the provisions of labor contracts. More recently, *interest arbitration* has been used when collective bargaining breaks down in the public sector, where strikes may be unlawful.

“Action line” program: an individual or organization that researches complaints and attempts to assist the complainant in receiving redress, if examination of the complaint indicates that it is warranted. Action lines often intervene in complaints

involving individuals with a dispute with a company or organization and often handle consumer-related disputes.

Conciliation: an informal process in which the third party tries to bring the parties to agreement by lowering tensions, improving communication, interpreting issues, providing technical assistance, exploring potential solutions and bringing about a negotiated settlement, either informally or, in a subsequent step, through formal mediation. Conciliation is used frequently in volatile conflicts and in disputes where the parties are unable, unwilling, or unprepared to come to the table to negotiate their differences.

Court Referral: referral of disputes by the court to mediation or arbitration as an alternative to a trial. If resolution does not result, the dispute reverts back to the court.

Facilitation: a collaborative process used to help a group of individuals or parties with divergent views reach a goal or complete a task to the mutual satisfaction of the participants. The facilitator functions as a neutral process expert and avoids making substantive contributions. The facilitator's task is to help bring the parties to consensus on a number of complex issues.

Fact Finding: a process used primarily in public sector collective bargaining. The fact finder, drawing on both information provided by the parties and additional research, recommends a resolution of each outstanding issue. It is typically non-binding and paves the way for further negotiations and mediation.

Informal Judicial Process: involves informal means employed by the court to encourage disputants to reach a settlement which precludes the need for a trial.

Med-Arb: an innovation in dispute resolution under which the mediator is authorized by the parties to serve first as a mediator and, secondly, as an arbitrator empowered to decide any issues not resolved through mediation.

Med-Fact Finding: an innovation in dispute resolution in which the med-fact-finder is authorized by the parties to serve first as a mediator and, secondly, as a fact finder empowered to draw on information provided by the parties, as well as on additional research to arrive at recommendations for resolution of issues not resolved through mediation.

Mediation: a structured process in which the mediator assists the disputants in reaching a negotiated settlement of their dif-

ferences. Mediation is usually a voluntary process that results in a signed agreement which defines the future behavior of the parties. The mediator uses a variety of skills and techniques to help the parties reach a settlement but is not empowered to render a decision.

Mini-Trial: a privately developed method to bring about a negotiated settlement in lieu of corporate litigation. A typical mini-trial might entail a period of limited discovery after which attorneys present their best case before managers with authority to settle and most often a neutral advisor who may be a retired judge or other lawyer. The managers then enter settlement negotiations. They may call on the neutral advisor if they wish to obtain an opinion on how a court might decide the matter.

Negotiation: conferring, discussing, or bargaining by the disputing parties to reach a settlement. Negotiations often involve the appointment of individuals to represent the positions of groups involved in the dispute.

Ombudsperson: a third party who receives and investigates complaints or grievances aimed at an institution by its constituents, clients or employees. The Ombudsperson may take actions such as bringing an apparent injustice to the attention of high-level officials, advising the complainant of available options and resources, proposing a settlement of the dispute or proposing systemic changes in the institution. The Ombudsperson is often employed in a staff position in the institution or by a branch or agency of government with responsibility for the institution's performance.

Private judging: a procedure in which the court, on stipulation of the parties, can refer a pending lawsuit to a private neutral party for trial with the same effect as though the case were tried in the courtroom before a judge. The verdict can be appealed through the regular court appellate system.

APPENDIX C

I. INTRODUCTION

- Prepare office (materials and placement).
- Review complaint.
- Greet complainant (citizen). Assign specific seat.
- Assess complainant and company. Are they ready to begin? Are they overly anxious, nervous, or upset? Are any emotional, drinking, drug, or health problems apparent? Is any preliminary calming necessary?
- Identify yourself and the citizen. Clarify name and refer to party by the name desired.
- Include only necessary parties.
- Establish an informal, relaxed atmosphere. Offer water, paper, pencil, etc. Make party feel comfortable.
- Inform citizen that as much time as necessary will be made available.
- Review vital information, e.g., who referred complainant.
- Explain purpose of intake and ascertain willingness to participate. Emphasize the final goal of the meeting. Explain limits of authority.
- Establish trust in yourself and confidence in the process.
- Answer questions. Clarify as needed.

II. COMPLAINANT'S NARRATION

Goals: (1) to maintain an open, sensitive climate;

(2) to gather sufficient information for understanding.

- Ask complainant to explain the situation in chronological order, if possible.
- Be flexible (party may need to explain the most recent happening first, then the background).
- Identify complainant's feelings.
- Reflect your understanding of those feelings.
- Recognize your feelings (in your mind).
- Be honest and warm.
- Accept party's right to feelings.
- Provide opportunity for party to emote, ventilate.
- Maintain information flow.
- Keep party talking.
- Listen actively
 - Summarize responses to keep track of information.
 - Restate response to check accuracy and maintain flow.
 - Echo by repeating word or phrase to direct complainant's attention.

- Ask open-ended questions.
- Use attention responses such as “uh-huh”, “mmm”, nodding head, and eye contact to demonstrate that you are listening.

III. PROBLEM IDENTIFICATION AND CLARIFICATION

Goal: for intake specialists and complainant to define problem (from the information provided about the issue(s)).

- Explore party's perception of the problem.
- Check what brought party to the office at this time.
- Clarify events that led to the dispute.
- Identify problem characteristics such as:
 - duration;
 - seriousness;
 - urgency.
- Identify relevant parties and location.
- Check dimensions of problem (single or multiple incident).
- Clarify problem chronology (fairly recent origin or long-standing).
- Consider stability or the relationship between parties (single point of contact, intermediate, or considerable).
- Explore problem urgency and seriousness.
- Ask focused questions in order to be specific.

IV. PROBLEM SUMMARY

Goal: to gain a mutual understanding of the issue.

- Reflect and repeat party's responses.
- Note both verbal and body language.
- Check with the party for accuracy.
- Encourage the party to correct or add.
- Focus on the issues.
- Assist in placing priorities on needs and issues.
- Summarize one issue at a time.
- Probe into underlying, fundamental issues which may be at the root of the problem.
- Encourage party to disclose any relevant intimate or sensitive information (maintaining trusting relationship).
- Continue to be sensitive to party's feelings.
- Note progress accomplished.
- Check to see if party is able and willing to proceed.

V. CONSIDERATION OF OPTIONS AND CONSEQUENCES

Goal: to help the citizen consider all alternatives and potential results and reactions.

- Obtain party's authority to look at many or all options.
- Guide party to continue the search.
- Encourage active participation.
- Examine what's been done so far.
- Identify reasons for success or failure.
- Explore party's personal, emotional, and financial resources.
- Identify and explore outside resources.
- Aid party to consider short and long-term effects of each option.
- Sort out issues and match to options.
- Deal with issues in a step-by-step approach.
- Be patient and honest.
- Continue to listen actively by summarizing, echoing, and restating.
- Define ultimate goal of party.
- Aid party to be realistic.
- Explore workability.
- Check legality.
- Recheck relationships - present and future.
- Make general statements about how to solve a problem.
- Assure party that problems like this can be resolved.
- Discourage depression.
- Discourage nonproductive behavior.
- Provide hope for a solution.
- Offer tentative observations.
- Make open-ended suggestions ("What if . . .," "Have you considered . . .").
- Be creative.

VI. ASSISTANCE IN SELECTING OPTIONS

Goal: to aid party in developing a plan of action to help resolve the problem.

- Note progress.
- Restate party's participation and responsibility.
- Recheck workability and legality.
- Help party to be realistic.
- Re-examine psychological and financial resources.
- Construct a plan of action.
- Ask party to summarize the plan.

- Create a sense of completion to the interview.
- Point out encouraging signs of understanding or caring.
- Explore “what ifs.”
- Plan for follow-up.
- Watch for hesitation (are they confident?).
- Be specific.
- Review the plan again.
- Encourage personal responsibility for plan.

APPENDIX D

INTAKE DEMONSTRATION

(Intake Specialist designated as "IS" and Citizen/Complainant as "C")

Speaker	Content	Comments
		Stage I: Introduction
IS	Good afternoon, I'm Larry Ray.	<ul style="list-style-type: none"> • Greet warmly
C	Good afternoon, I'm Nora Bridges. You can call me Nora. I desperately need your assistance. Is this the right office to file a warrant?	
IS	Let's go into this office and discuss that. Have a seat here. It's rather warm in here; would you like a cup of water or some coffee? Feel free to call me Larry, Nora.	<ul style="list-style-type: none"> • Respond directly to concern • Avoid snap answers which could increase tension • Establish comfortable atmosphere • Keep informal — use of first name helps build rapport
C	Water would be nice. I've never been to court before. None of my family has ever been in trouble, especially not with the police. I don't know how this ever happened.	
IS	You sound apprehensive about the courts and the police.	<ul style="list-style-type: none"> • Respond to C's emotions; match C's intensity (accurate empathy)
C	Well, I am. It's different for people who are troublemakers. They're accustomed to all this. They don't mind humiliation when the police arrive on their doorstep.	
IS	So, you felt embarrassed when the police arrived.	<ul style="list-style-type: none"> • Reflect emotions
C	I couldn't believe it. That young punk should have been arrested.	
IS	I know this must be difficult for you. Let's proceed this way: My role is to hear your problem and then work with you to figure out some possible solutions. Do you have any questions about my role or how we could proceed?	<ul style="list-style-type: none"> • Recognize the difficulty • Establish process • Explain intake role
C	No, I think I understand.	
IS	Okay, let's begin. Tell me what the situation is, starting from the beginning, and then what happened last night.	Stage II: Complaint Narration
C	Last night was a nightmare. I've never slapped Susan before, but I'd had it up to here. You know, you can only take so much.	<ul style="list-style-type: none"> • Ask open-ended question • Ask for chronological order • Request clarity
IS	It sounds as if you are very upset and disturbed about what happened last night. Start from the begin-	

- ning so I'll understand clearly what happened.
- C Joe, this young punk, had been hanging around the house all day. I was working, so, of course, I don't know what went on during the day. He could have been up to anything. Probably my phone bill will be sky high because of his stupidity.
- IS What happened when you arrived home?
- C My God, you wouldn't have believed it. The kitchen looked like a tornado had hit. They must have had their whole gang over. I just couldn't take it after working like a dog all day. I ordered them to clean it up right at that very moment. Susan had the nerve to ask me why I had come home so early. She accused me of coming home early just to catch her. She knows what time I get home. I don't fool around on my way home like she does.
- IS So far you've mentioned two people. Let me clarify who they are so that I'll understand clearly. Susan is your daughter?
- C Yes. Oh how I long for the days when she was a little girl!
- IS It sounds as if you felt things were simpler then.
- C Well, I didn't realize it then, but I suppose you're right. Then I felt I could tell her the right things to do and she would pay attention.
- IS You felt you were more in control of your daughter then?
- C Yeah. Oh, there were plenty of problems, but her father was around more then.
- IS What about her father?
- C We've been married for 21 years now. I suppose it's a happy marriage. But now Jim travels a lot. He's very successful, but he's lost touch with us.
- IS You seem to feel that Jim could be more helpful in this situation.
- C Yes, I guess so.
- IS How does Joe fit into all of this?
- C Well, Joe was hired by Jim to do all the heavy work that he no longer had time to do. He was good at
- Use open-ended but focused, goal-oriented questions when appropriate
 - Request clarification
 - Reflect feelings — indicates IS understands and is listening
 - Restate
 - Ask open and focused questions
 - State certain requests for clarification tentatively — does not arouse defenses of C
 - Request further information

first, real dedicated. But now when I think about it, maybe he was after Susan all along.

IS What is the relationship between Susan and Joe?

C From my point of view, there's none. But I think they've been seeing a lot of each other. I try not to assign much work to him, but I don't know who else can do it. Susan would probably do it better than him.

IS Sounds as if you think a lot of Susan. How old is she?

C She just turned 19. Joe is about the same age, but he's lived a different style. He's tried everything. I wouldn't be surprised if he has used drugs in my house.

IS Tell me more about the argument between Susan and you yesterday.

C We've had many arguments lately, but this was the worst. I guess we were trying to shout out each other. Even Mrs. Otto called to see if everything was okay.

IS Then what happened?

C Susan started to leave. She does that just when we're getting everything out in the open. I stood in the door. I wanted to work things out. I had worked all day, and then this.

IS You must have been at your wit's end.

C Yeah. And then when she called me a "bitch," I just couldn't take it, and I slapped her. That's when Joe, who had been watching the whole affair, ran over, pushed me down, and dragged Susan out the door. I ran after them shouting, and he hit me again. I was furious. By that time the police arrived. I demanded that they arrest him, but they refused. In fact, they sided with him, and he was on my property. Isn't that incredible?

IS You must have felt confused and angry.

C Yes I did, and now something's got to be done.

IS Let's take a moment to see if I understand where we are. Susan is your 19-year-old daughter who

• Direct C back to issue

• Help C to progress

• Reflect with accurate empathy
• Recognize "last straw" comment

• Reflect C's feelings without presenting personal opinion

• Summarize

lives with you. Jim is your husband and travels a lot. Joe has been hired to do some of the heavy chores while your husband travels. How am I doing so far?

C That's all correct. Susan tried to have an apartment several months ago, but she lost her job and moved back in with me.

IS So you helped her out.

C Well, she's my daughter.

IS So, yesterday when you came home after a long work day, you found the kitchen in a mess. You and Susan began arguing. Joe intervened. You and Joe got into it, and the police arrived. Is that accurate?

C Yes, it's accurate.

IS What did the police suggest you do?

C They told me to come down here and file.

IS Well, I believe that I understand the situation. What are your major concerns?

C Well, I've had a lot of time to think about it. I was awake all last night wondering if Susan would come home. I took today off from work.

IS It sounds as if you are very worried and are ready to consider what can be done.

C Yes, I am, and I want Joe arrested so that Susan can come home.

IS So, right now, your main concern is Susan. You want her safely home.

C Yes, of course I do. I am also concerned because Joe shoved me down twice on my own property. If my husband had been here, this could have been avoided. He could have confronted Joe man to man.

IS Joe pushed you down, and now you want to do something about it. Is that right?

C Well, yes. And another thing I want to do something about is the way the police acted. They were no help at all — in fact, quite the opposite. I have their badge numbers, and I intend to report them.

IS You feel frustrated by the way the police handled the situation. I im-

• Restate

• Summarize conclusion
• Check for accuracy

Stage III: Problem Identification and Clarification

• Reflect content, carefully matching intensity of C's feelings
• Note progress

• Paraphrase C and proceed further toward goal

• Focus C back on issue of solutions

Stage IV: Problem Summary

agine everyone was very agitated by this time.

C Well, you're probably right. The police didn't actually see Joe shove me, and of course Joe can put on a front when he needs to. You should have seen him with the police and Susan. She stood right by him as if they were married.

IS Well, let's take a moment to go over the situation. You're displeased about the way the police responded last night, but you've also indicated that it was a difficult situation for everyone. You're concerned about Susan and the relationship between you two. Your husband's lack of time bothers you. Joe's actions yesterday are of concern. Is that basically accurate?

• Summarize concerns

C It sounds confusing, doesn't it?

IS Most relationships are a bit confusing. What are the most important issues that we should deal with now?

• Legitimize C's concern

C Something must be done to Joe so he can learn that he can't push me around.

IS So you want to make it clear to Joe that he can't push you around. What could be done to accomplish that?

Stage V: Consideration of Options and Consequences

C He could be arrested and thrown in jail overnight.

IS What would be Joe's reaction to getting arrested?

C Oh, he'd be surprised, real surprised. I've threatened to do this so many times. In fact, he probably already has several traffic warrants out. I tried to tell the police, but

IS How would Susan react?

C Mmm . . . I guess she would be mad, probably furious. She might move out permanently. She'd surely tell my husband, who would think that this is typical of me to do something drastic.

IS So, your husband would think that arresting Joe would be drastic?

C Yeah, and he might be right. Susan would be so mad.

IS What are some other options?

- C I think Joe needs help. He might be okay if he would get his life together. He's 19 and still doesn't know what to do.
- IS It sounds as if you don't see Joe as a bad person, really, he just needs some help. Maybe a counselor could help him decide on what to do with his life.
- C Yes, but he would never go. He's too proud of his tough image. That's why he pushed me around, to prove to Susan that he's tough. Maybe a detective could go out and give him a scare. Tell him what the adult world is really like.
- IS That might not be an option here since I don't think detectives deal with this type of situation.
- C Could you talk to him and tell him to leave Susan alone?
- IS My role here is to assist you in selecting a realistic action to remedy this situation. Are you familiar with Project Early Settlement?
- C Not really. I think I've read about it. Does it involve businessmen?
- IS Some of the cases are business. It's a mediation program for people who know each other and have a problem. They can meet, discuss it, and try to reach an agreement.
- C Well, I'm not compromising this time.
- IS You won't have to. The purpose is to conduct a meeting in which all of you have an opportunity to discuss the situation.
- C Well, I would like a chance to talk some sense into his head.
- IS Each of you would have a chance to describe exactly how you feel.
- C What do we do?
- IS That's up to you. We've outlined several possibilities. Tell me what you think.
- C Well, getting him arrested would teach him a lesson, but both Susan and Jim would be furious with me. You said that neither you nor the detective would visit him.
- IS What about the mediation program I mentioned?
- C Well, that's possible, but, tell me,

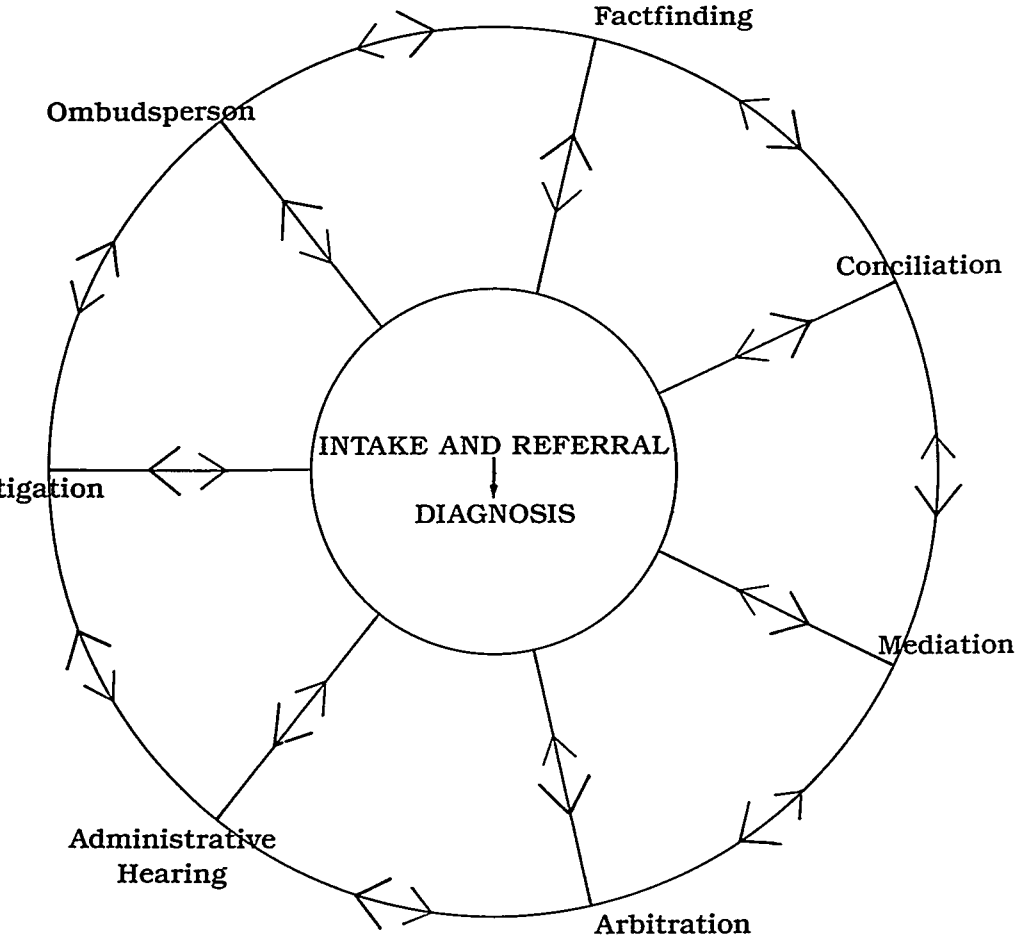
• Fulfill role of knowledgeable person

• Clarify role

*Stage VI: Option
Selection Assistance*

- could I file on him if I wanted to?
- IS That is possible although the prosecutor would need to review the case. • Provide information
- C You have been helpful. I need more time to think about this.
- IS You do have several options. Thinking of both the immediate and long-term reaction seems wise. I'll give you a brochure on mediation and a list of community services. This is my card with my name and number. Feel free to call me with any questions or concerns.
- C Good, thanks. I'll give you a call tomorrow.
- IS Let's go over the plan. You are going to consider all the options we have discussed today and call me tomorrow. Also, let's consider what might happen today. • Summarize
- C What do you mean?
- IS Earlier you expressed your concern about Susan and her leaving home.
- C That's true, but I guess I must realize that she's 19 years old. She'll only listen if she wants to. Maybe she'll call and we'll be able to talk for once. I hope so. The police coming out last night scared all of us.
- IS And Joe?
- C Oh, he'll stay away for a while. Besides, he's finished all the jobs I gave him.
- IS Is there anything else I can do for you at this point?
- C Yes, may I have a copy of what I wrote when I first came in?
- IS Certainly. I think we've made some progress. You seem much more sure of yourself now.
- C Thank you again for your help. I'll call tomorrow.

APPENDIX E ORGANIZATION OF THE MULTI-DOOR INTAKE AND REFERRAL PROCESS



Referral options are located on the spokes of this wheel. If the first option is not successful in resolving the problem, the problem travels back to the hub for re-evaluation or to another process which appears more suitable. Central to this concept is the belief that all the mechanisms exist on an equal plane.

APPENDIX F

PRELIMINARY CASELOAD STATISTICS FOR THE MULTI-DOOR CENTERS

TULSA

Opened in April 1984.

Number of cases handled as of February 1985:

Police/Prosecutor Complaint Office	1501
Troubleshooters Action Line	1776
Better Business Bureau	977
Tulsa County Bar Association	168

TOTAL: 4422 cases, monthly average = 400

Types of Cases: 44% consumer, landlord/tenant, and city/county service complaints; 22% assault, harassment, and threats; 13% disputes over money or property.

Agencies referred to:

Prosecutor or court division	35%
Project Early Settlement	18%
City/county agencies	13%
Better Business Bureau	8%
Other	26%

Outcomes: 70% of the citizens called or went to the referral agency.

30% of the cases were resolved at the time of the follow-up interview (these follow-up figures are based on an early, incomplete sample).

HOUSTON

Opened in December 1984.

Number of cases handled as of June 1985:

Harris County Court Intake Center	3143
Neighborhood Justice Center	199
Justice of the Peace Court	68
City prosecutor's intake	450
Community centers (2)	305

TOTAL: 4165 cases, monthly average = 600.

Types of cases: About half of the cases are disputes over property or services, 15% involve theft, 17% assault, and 14% threats or harrasment. Over half of the cases involve personal relationships (friends, neighbors, etc.): the rest are consumer/merchant, client/service provider, etc.

Agencies referred to:

Neighborhood Justice Center	44%
Justices of the Peace	11%
City prosecutor	11%
District Attorney	7%
Other	27%

Outcomes: 56% of the citizens called or went to the referral agency.

44% of the cases were resolved and 16% were pending resolution at the time of follow-up.

DISTRICT OF COLUMBIA

Opened in January 1985.

Number of cases handled as of April 1985:

Superior Court Intake Center	429
Lawyer Referral and Information Center	354

TOTAL: 783 cases, monthly average = 200

Types of Cases: 80% are civil disputes (consumer, property, landlord/tenant, employment issues, etc.). Most are between people with distant relationships (consumer/merchant, landlord/tenant, etc.).

Agencies referred to:

D.C. Mediation Service	18%
LRIS	18%
Small claims mediation	16%
University law clinics	10%
City agencies	8%
Other	30%

Outcomes: 71% of the citizens called or went to the referral agency.

33% of the cases are resolved and 24% are pending resolution at the time of follow-up.