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Massachusetts Community Mediation Center Grant Program: Fiscal Year 2013 Year-End Report & Evaluation

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Massachusetts Community Mediation Center Grant Program

Fiscal Year 2013 Year-End Report & Evaluation

**Massachusetts Office of Public Collaboration
University of Massachusetts Boston**

December 2013

This is the MA Community Mediation Center Grant Program annual report to the state, reporting on implementation and impact of the program in its first year of operation. The report includes a systematic documentation and evaluation of key processes involved in the MA Community Mediation Center Grant Program implementation and assesses the overall benefit of the program to the Commonwealth of Massachusetts.



Table of Contents

Introduction	4
Executive Summary.....	6
Background	9
Summative Evaluation	10
Grant Program Design.....	10
Grant Program Process	13
Community Impact	32
Profile of Funded Centers	32
Services to the Court and Community	34
Program Outputs and Outcomes	40
Quantitative Outputs and Outcomes.....	40
Caseload Activity.....	41
Monetary Outcomes of Conflict Reduction	42
Diversifying Funding.....	45
Serving a Broad Spectrum of the Population.....	45
Mediation Agreements	46
Qualitative Outputs and Outcomes	47
Increasing Accessibility	50
Broadening Mediated Dispute Types.....	51
Broadening Community Outreach	52
Access to Community-Based Conflict Resolution Services	53
Serving Diverse Populations.....	56
Free and Affordable Services	56
Building Social Capacity for Conflict Resolution	58
Stabilizing MA Community Mediation Center Staffing.....	65
Economic Impact of State Operational Funding	74
Mediator Excellence	87
Conclusions and Recommendations.....	90
Appendix: List of Acronyms	94
Attachment I: Grant Program Statute.....	95
Attachment II: Twelve Point Model	97

Attachment III: Indicators of Success..... 99
Attachment IV: Logic Model 105

Introduction

The Massachusetts Community Mediation Center Grant Program (or the CMC Grant Program) completed its first full year of operations in Fiscal Year 2013.¹ As the Program Administrator, the Massachusetts Office of Public Collaboration (MOPC) at the University of Massachusetts Boston (UMass Boston) has produced this *Year-End Report & Evaluation* to document and evaluate this performance-based program's progress toward the goal of broadening the use of community mediation as an affordable public service for the citizens of the Commonwealth of Massachusetts. MOPC is submitting this report pursuant to the program enabling statute Massachusetts General Law ch.75 §47.

The purpose of program reporting is to account for the investment of public funding and resources and to help inform future decision-making about state funding and the deployment of Massachusetts community mediation by the Governor, the Legislature and the Court, as well as by private foundations and community-based organizations that provide sponsorship and funding for the centers. Accordingly, this report presents a summative evaluation² of the CMC Grant Program, that is, it assesses the program's effectiveness by examining whether the outcomes of the program satisfy the program's specified goals. To this end, the report involves two main lines of inquiry. The first concerns the implementation of the CMC Grant Program while the second considers the impact of the program and of the activities of community mediation centers that received program grants. The status of program implementation is documented and analyzed within the context of the circumstances leading to the program's authorization in Fiscal Year 2013. An account of the program's impact in Fiscal Year 2013 follows, with a portrayal of the investment opportunity afforded by the Fiscal Year 2013 budget to reduce conflict and strengthen capacity for dispute resolution in Massachusetts communities. This report also establishes accountability and measures success of both the Community Mediation Center Grant Program and the center grantees/funded centers. It concludes with an estimate of the projected social and economic impacts of the program's efforts.

Conflict can be managed, reduced, even eliminated, by way of such dispute resolution strategies as community mediation. Community mediation involves the delivery of free or low cost mediation services by trained volunteer mediators to a wide spectrum of the population

¹ Fiscal Year 2013 spans July 1, 2012 through June 30, 2013.

² Scriven, M. (1967). The methodology of evaluation. In R. W. Tyler, R.Gagne, & M. Scriven (Eds.), *Perspectives of curriculum evaluation*, 39-83. Chicago: Rand McNally.

under the auspices of non-profit or government organizations.³ In furtherance of its statutory purpose to “promote the broad use of community mediation in all regions of the state”⁴ through increased access to, coupled with increased use of, dispute resolution services throughout Massachusetts, the Community Mediation Center Grant Program was instituted to provide grants of operational funds to eligible centers that supply community mediation services to the public, particularly to low income and marginalized populations. The program’s grant-making is structured so as to implement a vision of broad access to mediation that encompasses continued sustainability of community mediation providers, high quality mediation services, heightened public awareness, and the cultivation of community roots through, among other things, the application of standards of excellence as articulated in a Twelve-Point Model for Massachusetts community mediation.

To an important extent, the success of the CMC Grant Program depends upon the effectiveness of the centers participating in the program. As a result, the program’s effectiveness during its first year of operation, Fiscal Year 2013, may be measured by the extent to which it enabled participating centers to make strides towards reaching the overarching goal of enlarging access to, and utilization of, dispute resolution. The evaluation of progress towards this primary goal draws upon an assessment of progress made by the participating centers in addressing four subsidiary objectives, namely, the creation of opportunities for obtaining community mediation services, the reduction of conflict and the achievement of associated benefits, the establishment of conditions favorable to building dispute resolution capacity, and the institution of conditions that facilitate expanded access to dispute resolution.

³ NAFCM definition cited by Wilkinson, J. (2001, August). *A study of Virginia and ten states: Final report and recommendations*. The Institute for Environmental Negotiation, University of Virginia.

⁴ Massachusetts General Law ch.75 §47(b).

Executive Summary

The *Community Mediation Center Grant Program Fiscal Year 2013 Year-End Report & Evaluation* indicates that the Grant Program has managed to transform the situation of Massachusetts community mediation from crisis into opportunity by helping to stabilize the delivery of community mediation services. Also, a critical condition for implementing a state-wide grant program, through the state dispute resolution office, the Massachusetts Office of Public Collaboration (MOPC) at the University of Massachusetts Boston, has been achieved.

Key outputs from current stabilization include the uninterrupted provision of locally accessible, free or low cost mediation services; a Twelve-Point Model of community mediation stipulating conditions for increasing access to justice through community mediation in Massachusetts; the retention of a roster of 502 volunteer mediators trained to provide mediation services in their communities under the Twelve-Point Model; 4,219 mediations in Fiscal Year 2013 for primarily low-income residents of Massachusetts; 3,022 fully or partially resolved conflicts for state and local government, courts, schools, police departments, businesses and communities; a mid-year progress report to the Legislature, the Governor and the Court indicating considerable impact and return on investment to the court and local communities; a grant program website; outreach materials and presentations; legislative champions; ground work for developing new state-wide mediation programs; and the inspiration of the Massachusetts model to community mediation advocates in other states, such as Virginia and Minnesota.⁵

A significant trend observed in the evaluation of the Community Mediation Center Grant Program for Fiscal Year 2013 is that, overall, centers' human resources increased modestly as a result of the state operational grants. However, in terms of ensuring long-term community mediation sustainability, the financial inability of Massachusetts community mediation centers to recruit and/or retain a full-time professional staff is a significant handicap for the long-term. Six centers do not have a single full-time staff person and another six centers have only one full-time staff person each. Massachusetts community mediation staffing trends are in stark contrast to national trends where 95.8% of nonprofits have full-time/permanent employees and are hiring, on average, three new staff members per organization. Furthermore, current funding levels for the state dispute resolution office (MOPC) and the 20% program administration funding arrangement through the Community Mediation Center Grant Program are inadequate to fund a full-time dedicated staff to administer the Community Mediation Center Grant Program, which is vital for sustained programmatic growth.

Despite these obstacles, important process changes have been implemented by the Community Mediation Center Grant Program in Fiscal Year 2013 that augur well for improving longevity,

⁵ A new state-sponsored community mediation program was adopted by Minnesota in May 2013. The program was modeled on the Massachusetts Community Mediation Center Grant Program with consultation from MOPC.

including a process of distributing unrestricted funding that allows centers' self-determination and freedom to invest in areas of growth, as well as the award of performance-based funding tied to criteria that incentivize more services to local communities.

The report also documents the efforts taken to coordinate existing state-funded dispute resolution resources and to ensure public accountability through systematic collection of data. Additionally, with the support of the University of Massachusetts Boston, community mediation is now supported as a public service within higher education.

However, the larger goal of broadening access to dispute resolution for all Massachusetts citizens, which was envisaged in the Fiscal Year 2013 Program Design, was only partially achieved. Also, grant application requirements for performance-based grant-making in the initial year, which involved qualification of community mediation centers under the Twelve Point Model, were found to be burdensome to community mediation centers.

Despite significant progress achieved largely by a collaborative effort between legislators, community mediation centers and MOPC, key improvements have to be made to ensure the long-term sustainability of Massachusetts community mediation over the coming years. Increasing core program administration staff at MOPC and core staff at funded centers is one such critical improvement for ensuring greater efficiencies at all levels. Level funding for community mediation is significantly inadequate for achieving long-term sustainability goals.

Recommendations for legislative action

1. The annual legislative appropriation for the CMC Grant Program should be increased to allow 15 centers or more to each receive at least \$50,000 in baseline and performance-based funding, in line with Fiscal Year 2009 legislative appropriation of an average of \$54,755 each for 17 centers through the Trial Court. Additional new sources for raising these funds, such as civil filing fees, should be explored and tapped.
2. The annual legislative appropriation for the operation of the state dispute resolution office (MOPC) should be stabilized to support additional staff recruitment that is sufficient to fulfill the office's statutory responsibilities under Massachusetts General Law ch.75 §46 and §47.

Recommendations for CMC Grant Program action:

1. MOPC should explore, with input from funded centers, ways to further simplify the grant application process that would balance the necessity of applicant centers to adequately document performance with the need to reduce the workload on centers in each grant cycle.

2. MOPC should re-examine the burden of reporting requirements and weigh them against the need for accountability as funded centers adopt case management software.
3. MOPC and funded centers should work together to develop initiatives to improve education and outreach to raise awareness of community mediation.
4. MOPC and funded centers should work together to find new sources of funding.
5. Start-up community mediation centers should be invited to apply for CMC Grant Program grants.
6. MOPC and centers should work together to develop a program for mediator excellence and find adequate resources to support the program.
7. MOPC should find/allocate resources to implement service learning by utilizing students and academic/research/service resources through the University of Massachusetts.
8. Center grantees should seek to stabilize their staff and adopt initiatives to insure the professional level of staff services. This may involve the hiring/retaining of full-time professional staff if state operational funding is increased.

Background

Transforming crisis into opportunity through creation of the CMC Grant Program: Despite strenuous fundraising efforts by centers, the withdrawal of state-funded court contracts for community mediation services in Fiscal Year 2009 undercut the performance of Massachusetts community mediation centers, leading to contraction of services and, for some centers, looming extinction. In response to this dire situation, in Fiscal Year 2011, an informal alliance of 14 centers, the Community Mediation Coalition of Massachusetts or CMCM, turned to the Massachusetts Office of Public Collaboration (MOPC) – the statutory state agency for dispute resolution (under Massachusetts General Law ch.75 §46) – for assistance in exploring options for the state funding of center operations. A collaborative effort was set in motion involving legislative leaders, CMCM members, MOPC and the University of Massachusetts, to create opportunity out of crisis and use the centers’ financial woes as an occasion for investigating ways to implement a state-wide vision for community mediation. With the support of the university, MOPC and CMCM centers vetted this vision with legislative leaders, and it was determined that a criteria-based system for distributing appropriated funds and evaluating the effectiveness and impact of publicly-sponsored mediation services was needed to validate increased state investment. As a result, in Fiscal Year 2012, the Legislature commissioned a study through Outside Section 180 of the state budget.

The resulting study, titled *Legislative Study: A Framework to Strengthen Massachusetts Community Mediation as a Cost-Effective Public Service*, was successfully completed by MOPC and published by the University of Massachusetts Boston in November 2011. In July 2012, the legislature enacted Massachusetts General Law ch.75 §47 and supported the establishment of the Massachusetts Community Mediation Center Grant Program with \$650,000 in funding for Fiscal Year 2013. The Community Mediation Center Grant Program was then formed, based on findings and recommendations from the study.

The Community Mediation Center Grant Program (the CMC Grant Program), administered by MOPC under Massachusetts General Law ch.75 §47, provides operational funding to community mediation centers in order to broaden access to dispute resolution for all Massachusetts residents by promoting community mediation as an affordable public service. A community mediation center is defined as a community-based program of a private nonprofit or public agency, which provides direct access to free or low-cost mediation services at any stage of a conflict from trained community volunteers and involves community members in the governance of the center.

The CMC Grant Program’s eligibility criteria and performance-based grant distribution system was adapted from successful working models in other states. The Massachusetts version was developed by MOPC with input from community mediation centers to incentivize growth and diversify funding for community mediation services. Grant funding was allocated to qualified

community mediation centers in the form of both baseline awards and performance-based awards. In Fiscal Year 2013, the first year of the program, MOPC awarded state operating grants to 15 community mediation centers across the state.

Summative Evaluation

The Fiscal Year 2012 *Legislative Study* recommendations contain best practice principles for grant program design, grant-making, program evaluation and research and mediator excellence. In addition, Massachusetts General Law ch.75 §47 stipulates certain conditions for annual reporting as well as grant program funding, grant program administration and accountability.

The evaluation of the Community Mediation Center Grant Program for Fiscal Year 2013 involves a process of documenting and assessing the various steps in grant program implementation followed by an assessment of program and center impact in courts, schools and the community in general (see pages 84-87 for evaluation methodology and the analysis under Attachment IV: Logic Model). The indicators of success (see Attachment III) defined in the program evaluation plan in Fiscal Year 2013 were revised since the *Mid-Year Progress Report* and constitute the current basis for determining the success of implementation and impact of the CMC Grant Program.

Grant Program Design

An auspicious start to an effective program is a well-constructed program design. A critically important task in early Fiscal Year 2013 was to design a viable state-wide grant program to distribute grants to qualified community mediation centers following a stringent qualification process as stipulated by Massachusetts General Law ch.75 §47(d). This important step was followed by grant-making to 15 qualified centers serving all 14 counties in Massachusetts (see Figure 1: Community Mediation Center Grant Program Process Chart). An evaluation of the grant program was then carried out, resulting in this annual report in accordance with Massachusetts General Law ch.75 §47(h). A particular focus of this report will be on the impact of grant-making. Other areas of interest, including mediator excellence, the program advisory committee, program development, research and service learning are also discussed in greater detail in subsequent sections of this report.

The design of the Community Mediation Center Grant Program was based on the best practice principles highlighted in the Fiscal Year 2012 *Legislative Study*, namely, in the Twelve Point Model for Massachusetts Community Mediation. The Twelve Point Model describes state of the art community mediation in terms of the following activities (see Attachment II: Twelve Point Model for more details):

1. Train community members who reflect the community's diversity with regard to age, race, gender, ethnicity, income and education to serve as volunteer mediators.
2. Provide a range of mediation services to address community needs, including but not limited to housing, consumer, family, neighborhood, youth, school, and/or workplace mediation.
3. Provide mediation services at no cost or on a sliding scale.
4. Hold mediations in neighborhoods where disputes occur.
5. Schedule mediations at a time and place convenient to the participants.
6. Provide mediation at any stage in a dispute, including the early use of mediation for conflict prevention and collaborative problem-solving.
7. Mediate community-based disputes that come from diverse referral sources, such as community organizations, police, faith-based institutions, courts, community members, government agencies and others.
8. Educate community members about conflict resolution and mediation.
9. Maintain high quality mediation services by providing intensive, skills-based training, apprenticeships, continuing education and ongoing evaluation of volunteer mediators.
10. Work with the community in center governance and center development by involving community members as staff, volunteers, board members and project partners.
11. Provide mediation, education and other conflict resolution services to community members who reflect the community's diversity with regard to age, race, gender, ethnicity, income, education and geographic location.
12. Establish collaborative relationships with other service providers in the community to address community needs.

MOPC created a program design and implementation plan by setting an overall goal and a set of objectives for the grant program in order to achieve the mission set out by Massachusetts General Law ch.75 §47. Under the program design, the overall goal of the program is to broaden access to dispute resolution for all Massachusetts residents by promoting community mediation as a cost-effective public service. Program activities in service to this overall goal include grant program design, grant-making, evaluation, reporting, program development, advocacy and research (see Figure 1: Community Mediation Center Grant Program Process Chart).

The Program Objectives are:

- A. Implement a state-wide performance-based grant program for community mediation center sustainability and independence;
- B. Deploy community mediation infrastructure to address public needs;
- C. Establish systems for program evaluation and mediator excellence to ensure quality and public accountability; and
- D. Promote student service learning and enable research on community mediation.

The Fiscal 2013 program design that was developed includes the following steps:

Program Design:

1. Develop grant program design and implementation plan and timeline
2. Develop program position job descriptions and staff assignments
3. Develop program budget/spending plan for grant funds and administrative funds
4. Develop program administrative policies, procedures, and forms
5. Develop outreach materials and website

Grant-Making:

6. Develop grant-making policies and procedures with university units
7. Develop grant criteria and procedures
8. Consultation with community mediation centers on criteria and procedures
9. Announce and administer grant application process
10. Appoint Grant Review Committee
11. Collect and review grant applications
12. Make grant awards
13. Enter into contracts with grantees
14. Distribute grant awards to grantees

Program Evaluation:

15. Design program evaluation plan to assess implementation and impact
16. Design program evaluation instruments/surveys
17. Obtain University Institutional Review Board approval
18. Purchase and customize case tracking database
19. Install case tracking data-base at CMCs
20. Train CMC case coordinators on data-entry and database management
21. Launch database and systematically collect data
22. Meet periodically with CMC directors on implementation and impact
23. Analyze data and prepare periodic program evaluation reports

Program Advisory Committee:

24. Develop advisory committee polices, procedures and criteria
25. Solicit names of candidates/organizational representatives and appoint members
26. Hold periodic advisory committee meetings to engage member in the program

Program Development:

27. Collaborate with advisors and others on program development and outreach
28. Conduct fundraising to serve public needs and leverage the state's investment

Reporting:

29. Prepare semi-annual written reports/presentations to program advisory committee
30. Prepare and submit annual written report to Legislature, Governor and Court

Advocacy:

31. Conduct budget advocacy to maintain state appropriation for grant program
32. Hold an annual event to recognize champions of community mediation

Mediator Excellence:

33. Design and implement mediator excellence program; build on CMCs' best practices
34. Design and conduct trainings for CMC mediators and staff
35. Establish community mediator award to recognize excellence

Service Learning:

36. Develop plan to engage UMass students and faculty in service learning
37. Implement the service learning plan

Research:

38. Engage in research projects with university faculty and students
39. Publish research

Each key activity or step in the process outlined above is related to several other key activities or steps in the Community Mediation Center Grant Program. Each key step also includes within itself numerous activities developed during the program design phase, implementation of which was systematically documented and assessed as part of program evaluation.

Performance and impact data were collected through quarterly data reports from grantee centers, an annual year-end survey to grantee centers in October 2013,⁶ a survey to the Program Advisory Committee, a mid-year survey to grantee centers in December 2012, and data-mining of grant applications for Fiscal Year 2014, which describe Fiscal Year 2013 activities and accomplishments.

Grant Program Process

The Community Mediation Center Grant Program design incorporates six main processes starting from program funding and culminating in program advocacy (in reality, these process steps tend to loop). The CMC Grant Program also has six sub-processes under grant-making and program evaluation as illustrated in Figure 1: Community Mediation Center Grant Program Process Chart, which presents a process chart for categories of program activities.

⁶ One of the Fiscal Year 2013 grantees, North Essex Mediators of Community Action, Inc., did not respond to MOPC's Fiscal Year 2013 year-end survey.

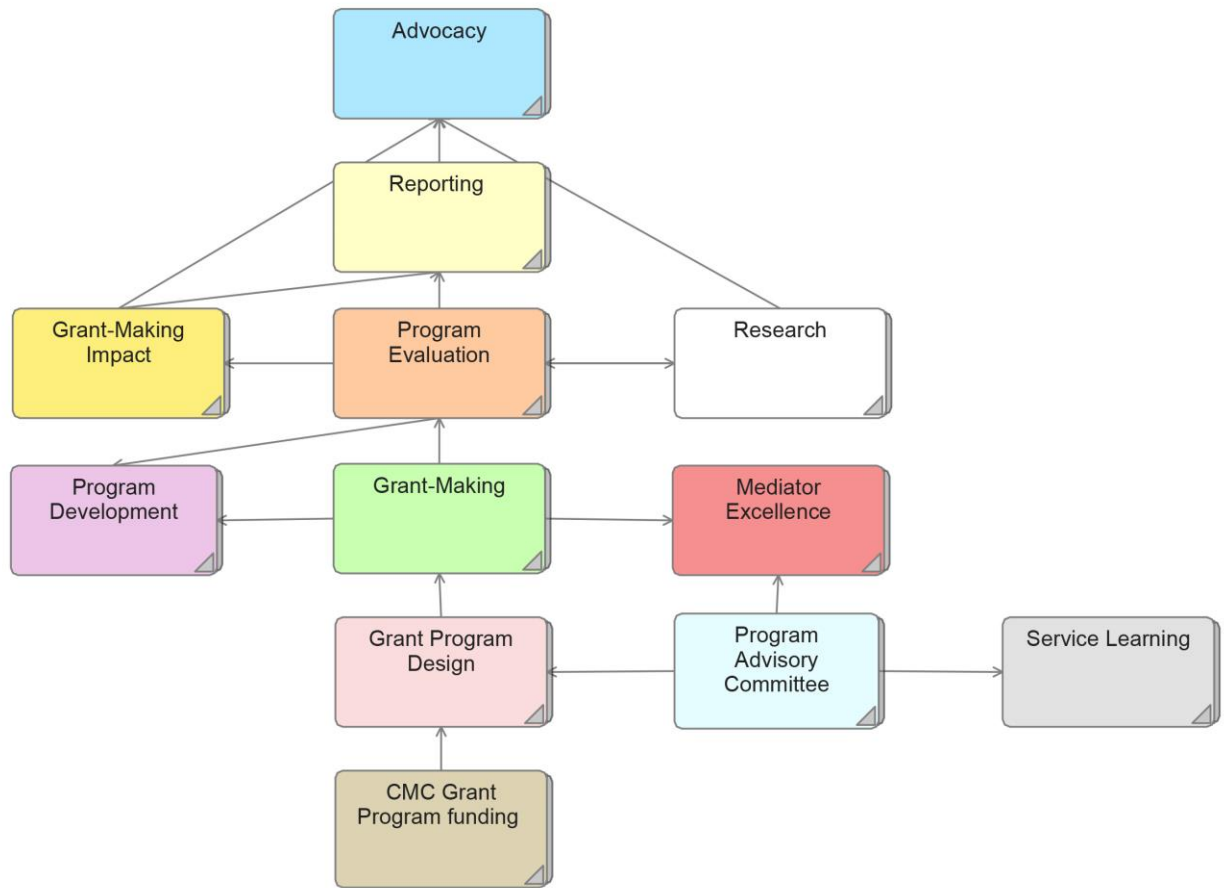


Figure 1: Community Mediation Center Grant Program Process Chart

The symbiosis between processes and sub-processes is critical to the success of the Community Mediation Center Grant Program. As the analysis continues in subsequent sections, it draws upon the best practice recommendations in the Fiscal Year 2012 *Legislative Study*, Massachusetts General Law ch.75 §47, and in internal documentation, such as the Program Design, as a standard and/or baseline for the assessment.

The primary building-block of the program is the annual state appropriation under state budget line item 7100-0700. In Fiscal Year 2013, a total of \$1.25 million was requested to fund Massachusetts community mediation with \$1 million in grants to be awarded to Massachusetts community mediation centers. However, in June 2013, due to various budget restrictions, only \$650,000 was appropriated for community mediation and grant program administration (see Figure 16: Grant Program Overview on page 34). As a result, the grant-making to community mediation centers was restricted to \$472,000 in state operating grants. Program administration costs were funded at \$130,000, and \$50,000 was set aside for center resources, consisting of case management software and training.

Charged with implementing and administering the grant program under Massachusetts General Law ch.75 §47, MOPC was guided by the Fiscal 2013 Program Design. To date, steps 1-28 and 30-31 have been accomplished for Fiscal Year 2013. Plans for an event to recognize community mediation in step 32 are in development. The remaining steps 29 and 33-39 are works in progress.

Grant-making

During July 2012, MOPC developed the Community Mediation Center Grant Program grant-making criteria, policies, guidelines and grantee selection process in consultation with the University of Massachusetts, the Office of the State Comptroller, and the Community Mediation Coalition of MA (CMCM).

Since the funding awarded in Fiscal Year 2013 was only 51% of the requested amount, MOPC as the Program Administrator had to reorganize the grant program budget/spending plan to accommodate the reduced funding. The new budget and the reduced operational funding amount were then discussed with CMCM, an important stakeholder in the Fiscal Year 2013 budget advocacy process.

Due to the reduction in funding in Fiscal Year 2013, and in order to enable urgent stabilization of struggling community mediation centers, a decision was taken to exclude start-up centers from grant awards in Fiscal Year 2013. Furthermore, in these discussions, MOPC focused on developing detailed grant-making policies and procedures in accordance with best practice principles, Massachusetts General Law ch.75 §47 and in consultation with the University of Massachusetts administration. The activities encompassed by grant-making are depicted in Figure 2: Grant-Making Process below.

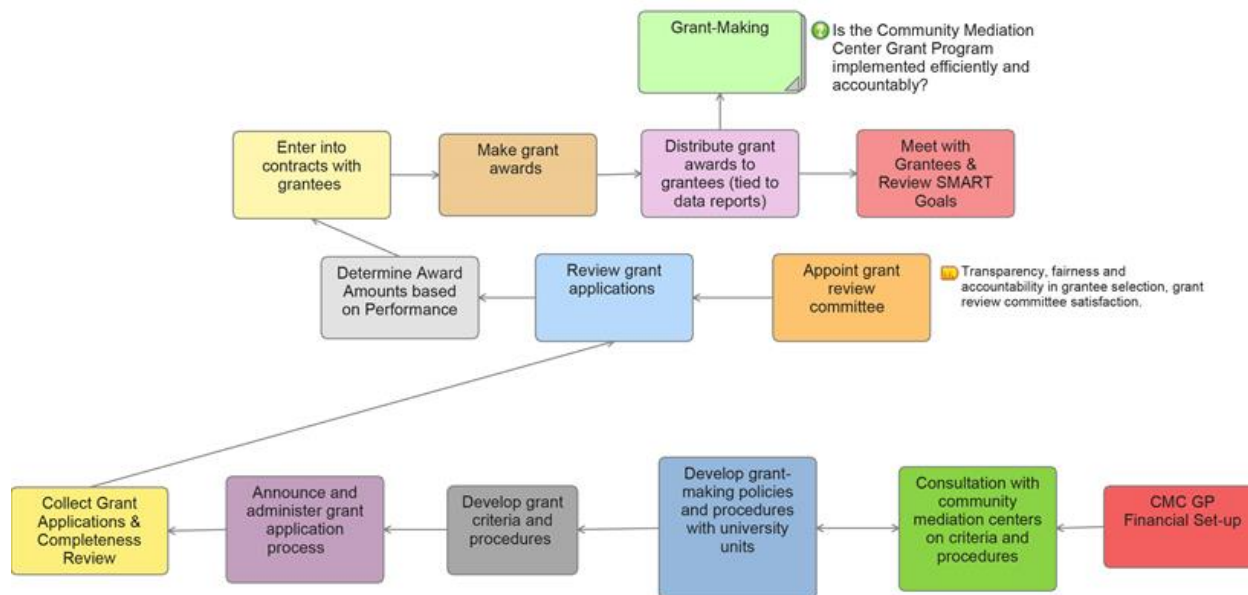


Figure 2: Grant-Making Process

Grant-making criteria, including baseline funding and performance-based funding, were developed and a comprehensive grant application form, based on successful models in other states, was created. MOPC posted a Grant Application Request at the end of July via the state’s procurement website “Comm-PASS”, the UMass Boston website and through emails to various ADR, non-profit, municipal and higher education networks. A briefing for applicants was held in early August 2012 and the deadline for submission was the end of August 2012. A total of 16 grant applications were received. Another important process that was implemented during this grant-making process was the formation of a Grant Review Committee.

There are three primary components to CMC Grant Program grant-making: first, the Twelve Point Model, which defines exemplary community mediation, provided eligibility criteria for a baseline grant award; second, a range of performance levels determined the additional amount of performance-based grant award as a way to incentivize centers to increase services to their communities; and third, a requirement for centers to raise a cash match corresponding to their performance level award in order to promote diversified funding.

Applicants were asked to describe how their current operations and future plans met the Twelve Point Model and to demonstrate a proven track record of service to their communities. Additionally, applicant centers were required in the grant application process to pledge a cash match proportionate to an award tied to their performance level. The data supplied by applicants about the number of intakes, mediations, and other conflict resolution interventions that they had conducted over the past year established the amount of additional funds in performance grants to be awarded above and beyond the baseline grants.

A three-person Grant Review Committee (GRC), formed in accordance with Massachusetts General Law ch.75 §47 (e), reviewed the applications. The GRC, consisting of an MOPC deputy director and two other members, who brought their expertise and experience as practitioners, administrators, and leaders in the field of alternate dispute resolution and community mediation to bear on the assessment of the applications. Committee members were very generous in donating significant time as they proceeded with all due deliberation in a time-consuming process that protected confidentiality while avoiding conflicts of interests. The Committee submitted recommendations to MOPC's executive director, who determined overall suitability for funding and the level of grant awards.

Sixteen applications were received, and fifteen were funded. The grant recipients were:

1. Cape Cod Dispute Resolution Center (CCDRC or Cape Mediation), Orleans
2. Community Dispute Settlement Center (CDSC), Cambridge
3. Dispute Resolution Services (DRS), Springfield
4. Greater Brockton Center for Dispute Resolution (GBCDR), Brockton
5. Housing & Mediation Services, Berkshire County Regional Housing Authority (BCRHA), Pittsfield
6. Law Center of Middlesex Community College (MCC Law Center), Lowell
7. Martha's Vineyard Mediation Program (MVCDR), Vineyard Haven
8. Family Services of Central Massachusetts Mediation Program (FSCM), Worcester
9. Mediation Services of North Central MA (MSNCM), Fitchburg
10. Metropolitan Mediation Services of Brookline Community Mental Health Center (MMS), Brookline
11. Metro West Mediation Services (MWMS), Framingham
12. North Essex Mediators of Community Action (NEM), Haverhill
13. North Shore Community Mediation (NSCMC), Beverly
14. Quabbin Mediation (QM), Orange
15. The Mediation & Training Collaborative, Community Action of Franklin, Hampshire, and North Quabbin Regions (TMTTC), Greenfield

A sixteenth applicant was determined to be a start-up center and ineligible under the grant guidelines for Fiscal Year 2013. Award letters were sent to grantees at the beginning of October 2012 for a total of \$472,000 in operating grants that ranged from \$28,400 to \$35,400 (all received baseline grants of \$25,000 plus an additional amount determined by the respective center's performance level). Letters of acceptance were submitted by centers; however, unanticipated complications arose that caused a delay in the distribution of grant funds.

Any disbursement of monies by a university unit has to comply with University of Massachusetts rules and protocols. However, these requirements were not formulated for the purpose of awarding grants. It took the combined efforts of MOPC's executive director, program manager and several university staff members, plus the investment of a substantial amount of time and effort on all their parts to discover a way to navigate university and state contracting requirements that would accommodate awarding grants to centers. State forms and contracts were then executed by the grantee centers and processed by the university.

Centers then had to submit invoices and data reports, which in turn had to be processed before the centers received the major portion of their awards (50%) in December 2012. The time lapse between the receipt of the notice of the award and the receipt of funds by centers placed additional demands on the grant-making process. Centers had to be flexible about incurring expenses on prospective funding. Moreover, MOPC found that producing a mid-year report on the effect of the grant money on center operations so soon after awards were made proved particularly challenging.

Program Advisory Committee (PAC)

After collecting nominations from the Community Mediation Coalition of MA (CMCM) and the university, MOPC formed a 12-member Program Advisory Committee in September 2012 pursuant to Massachusetts General Law ch.75 §47 (b), with representation from community mediation centers, their sponsors and funders, the university and other stakeholders, such as the courts and private foundations.

The role of the Program Advisory Committee (PAC) is to serve as a sounding board for MOPC on programming, funding, outreach and education for the purpose of strengthening the mission of community mediation in Massachusetts. The Committee met with MOPC directors and staff twice in Fiscal Year 2013, taking the opportunity to react to information from MOPC about the situation of the CMC Grant Program, future plans and pending issues. PAC members provided fresh perspectives that sometimes led to recommendations for changes. Thus, members advised restricting the types of community projects eligible for the proposed Fiscal Year 2014 Community Project Challenge Grants in order to maximize their impact and suggested that these be challenge grants with a 100% match requirement of new money so as to encourage diversification of funding sources. After a year of service, PAC members were asked to respond to a survey and assess CMC Grant Program implementation as well as their experience on the committee. The survey results are discussed in a later section.

Collaborating with Funded Centers

Group meetings: Input from funded centers was integral to the implementation of the CMC Grant Program. Before the launch of the initial grant-making, MOPC and CMCM centers met in July 2012 to discuss program design, grant-making criteria and procedures, the Twelve Point Model, and the Program Advisory Committee policies. Additionally, after the grant-making, group meetings were held to update center grantees on program developments and to solicit their input and feedback. MOPC met with the funded centers as a group in December 2012 to debrief the Fiscal Year 2013 grant-making process, to introduce the MADtrac software that would be used for unified case management data collection and reporting, as well as to work with the centers on performance indicators and planning for the CMC Grant Program's Fiscal Year 2014 state budget advocacy. At that meeting, centers were vocal about their desire for a

more streamlined application process. MOPC reported that the university had confirmed that centers were considered pre-qualified for future grant-making unless qualification standards were changed. At the second group meeting in March 2013, the centers were instrumental in expanding Community Project Challenge Grants categories to reflect a larger range of community needs. It was decided that projects dealing with the needs of senior citizens would be eligible for consideration along with youth-focused projects. The developments regarding the Community Project Challenge Grants illustrate how the interaction among PAC, grantee centers, and MOPC can redound to the effectiveness of the operation of the CMC Grant Program and, ultimately, to the benefit of Massachusetts community mediation.

Individual meetings with funded centers: October and November 2012 were devoted to individual meetings between MOPC's directors and directors of the funded centers to discuss and refine the coming year's goals for center progress on the Twelve Point model requirements. Information about the development and use of SMART⁷ goals was provided to centers. The goals were set by the centers themselves. At the individual meetings, centers identified their goals and the attendant activities that would be practical to pursue. MOPC expended substantial personnel time and resources to work with individual centers on effectively directing their efforts to fulfill their chosen goals. Progress towards these goals, as reported by centers, would comprise the substance of their subsequent applications for Fiscal Year 2014 grants. Also, in May 2013 center representatives met for a three-day training in the use of case management software to facilitate the collection of data required by the CMC Grant Program's reporting and evaluation requirements.

Contact with funded centers through surveys: In mid-October 2012, MOPC administered a survey to collect feedback on the grant-making process and assess the need for adjustments. Centers further cooperated with surveys in December 2012 to collect data about the impact of the grant monies that they had received to be used in the program's mid-year report. A summative survey administered in October 2013 was instrumental in supplementing the data gleaned from Fiscal Year 2014 grant applications about Fiscal Year 2013 center activities and accomplishments that contributed to the data in this year-end report and evaluation.

Grant Program Advocacy

The advocacy planning and activities initiated in November 2011 upon submission of the Fiscal Year 2012 *Legislative Study* and carried out over the past two years have occupied a substantial amount of time for MOPC senior staff and community mediation center directors. The resulting Fiscal Year 2013 and 2014 legislative appropriations for the CMC Grant Program have been signal accomplishments of these advocacy endeavors in concert with the active support of legislative champions of community mediation.

⁷ SMART stands for **S**pecific, **M**easurable, **A**chievable, **R**ealistic and **T**ime-bound.

Fiscal Year 2013 program advocacy efforts by MOPC consisted of the following activities which took place during the fall, winter and spring seasons: vetting the final legislative study and budget request to establish the CMC Grant Program with key University officials, including the Provost, Vice Chancellor for Administration and Finance and the Vice Chancellor for Government Affairs and Public Relations, and the President's Office; briefing the Trial Court Standing Committee on Dispute Resolution about the study and budget request; advocating for the budget request with the Governor/Executive Office for Administration & Finance and the House and Senate Ways & Means Committees; securing lead legislators in the House and Senate to convene a briefing for community mediation legislative supporters and planning and conduct the briefing with the conveners and the centers; preparing budget advocacy materials; coordinating community mediation centers in reaching out to legislators through staff and volunteers; attending meetings with budget analysts and major legislative leaders with center representatives; securing lead sponsors for budget amendments in the House and the Senate and recruiting legislators to sign-on; providing information to amendment sponsors; consulting with and keeping the University, centers and legislative leads informed throughout the budget process. These advocacy tasks were repeated by MOPC in Fiscal Year 2014 and will continue to be performed annually for the foreseeable future in order to secure sustained state appropriations for the CMC Grant Program.

The program/budget advocacy efforts by MOPC, the centers and the legislative champions over the past few years have produced significant results for the program. For Fiscal Year 2013, CMC Grant Program funding was not included in the Governor's Budget or in the House Budget, only in the Senate's Budget. However, program funding was included in all three budgets for Fiscal Year 2014. These developments herald important advances in policy recognition and support of the value of community mediation to Massachusetts communities. Figure 3: CMC Grant Program Advocacy, below, depicts the various aspects involved in program advocacy.

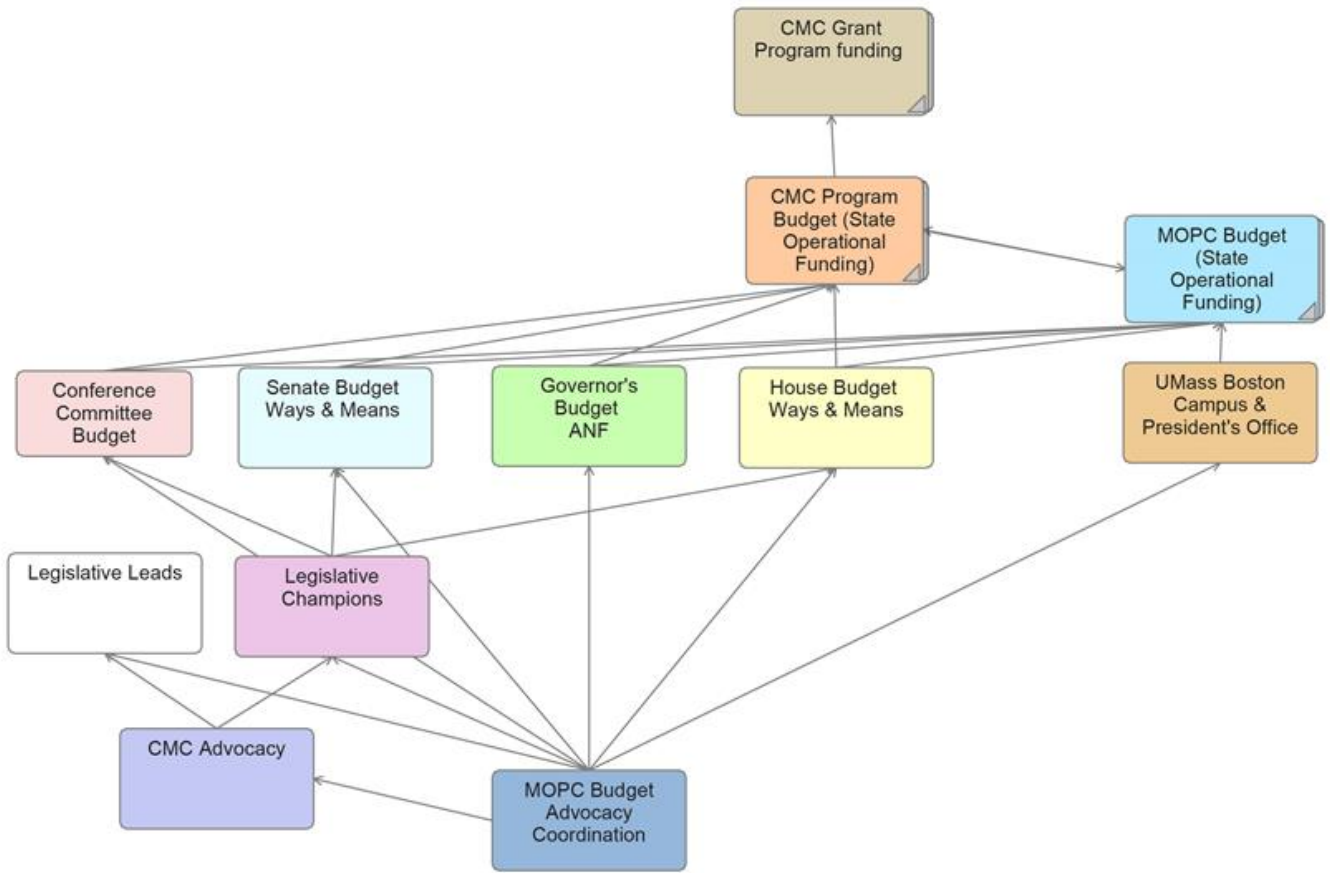


Figure 3: CMC Grant Program Advocacy

Program Implementation and Administration

During Fiscal Year 2013, grantee centers were given the opportunity to bring up issues and otherwise comment upon the implementation of the CMC Grant Program at group meetings and through other types of contact with MOPC. A survey regarding center views on the initial grant-making and the state of early program implementation was administered in October 2012. In addition, an end-of year summative survey was administered in September 2013 to solicit the opinions of Program Advisory Committee (PAC) members and was utilized as primary evaluation feedback because of PAC’s role as a body of representative community mediation stakeholders.

Eleven out of twelve PAC members provided feedback on the grant program administrative functions of MOPC under different categories. The survey also asked the PAC whether the approach deployed by MOPC in briefing the committee for stakeholder accountability and seeking their guidance and input on program development was effective in carrying out the PAC’s purpose.

The vast majority of the Program Advisory Committee felt that the broader goal of broadening access to dispute resolution for all Massachusetts citizens, which was envisaged in the Fiscal Year 2013 Program Design, was only partially achieved (see Figure 4: Broadening Access to Dispute Resolution for All Massachusetts Residents, below).

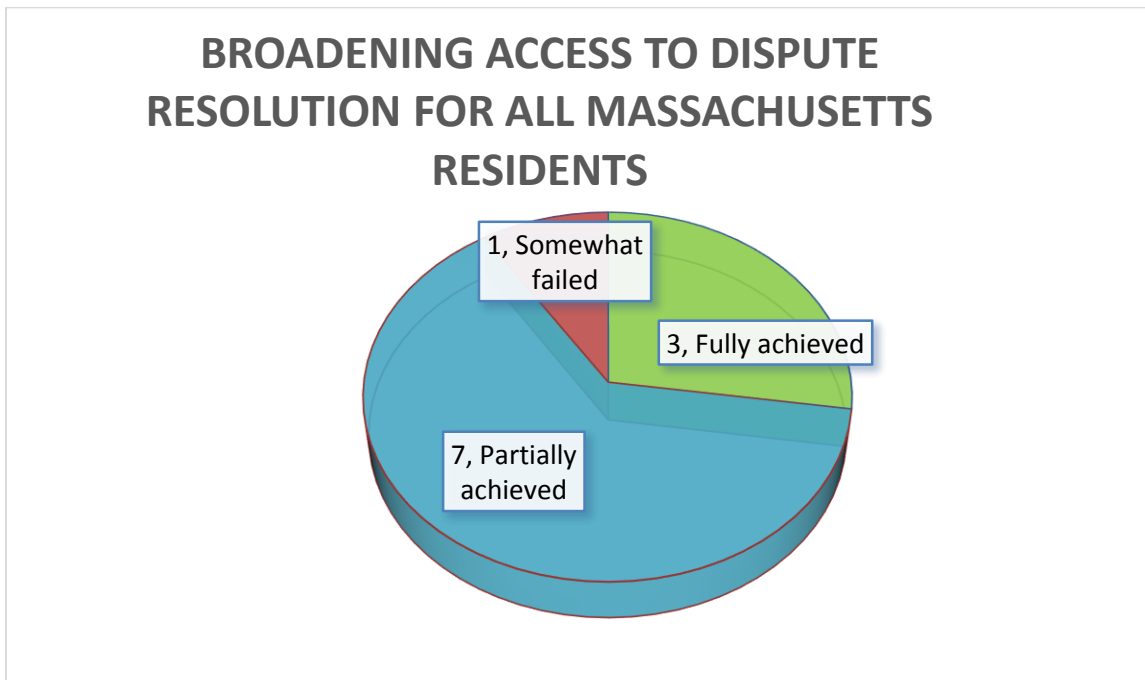


Figure 4: Broadening Access to Dispute Resolution for All Massachusetts Residents

The following are some of the more detailed comments from the survey:

There is always more work to be done in this area. Particularly with public education re: community mediation's value to consumers and the Commonwealth.

The work is never done, but the program has certainly begun to achieve this goal.

Fully achieved in that it has already broadened access. Of course our goal, I think, should be to broaden it even further!

The Grant Program is keeping the programs running and helping them expand their services.

I think programs are more accountable and that access is slowly increasing. I expect this will continue.

As with any long-term public program, a longer time horizon of continuous implementation of the Community Mediation Center Grant Program would help Massachusetts achieve its goal of broader access to dispute resolution for all Massachusetts residents. In this, the first year of strategic public investment, though, the envisioned access was not achieved (see Figure 5: Implementation of a State-wide Performance-based Grant Program), and neither MOPC nor the

centers anticipated the accomplishment of this goal in such a short time, particularly under circumstances of curtailed public investment since Fiscal Year 2009.

Improvements are required in a number of respects – from increasing public investment to streamlining grant applications. Increasing core program administration staff and core staff at funded centers is critical to achieving greater efficiencies at all levels.

In terms of the strategic objective of implementing a state-wide grant program, the majority of the PAC members felt much had already been achieved. Indeed, in Fiscal Year 2013, 15 grantee centers were qualified under the Massachusetts Twelve Point Model and stringent, six-tier performance-based funding criteria to provide community mediation services in all 14 counties of the state.

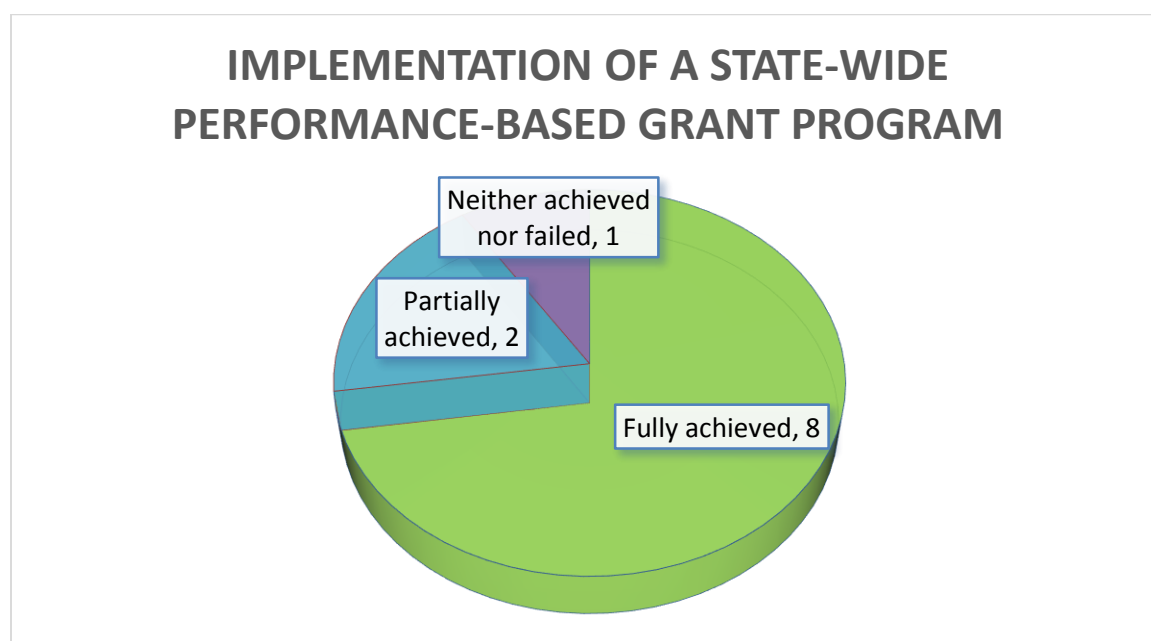


Figure 5: Implementation of a State-wide Performance-based Grant Program

Below are some pertinent comments from the PAC:

The grant program is off and running. The community mediation infrastructure is always in process. The programs to ensure quality and public accountability are being put into practice repeatedly as MOPC works with the community programs. I'm not sure I know enough about student service learning in this context to evaluate it. I do know the research is extensive and ongoing.

Great initial structures on all counts. Still more to accomplish to fully implement.

Again, the evaluation piece needs to be re-visited to reduce the burden of reporting on the agencies.

Although a state-wide program is in place, PAC members felt that this community mediation infrastructure has yet to address all aspects of community needs (see Figure 6: Deployment of Community Mediation Infrastructure to Address Public Needs, below). More issues require community mediation solutions, and more public, private and nonprofit institutions like courts, schools, local businesses, social services, local governments/municipalities still require more community mediation services. In Massachusetts and across the nation, community mediation is an underutilized resource.

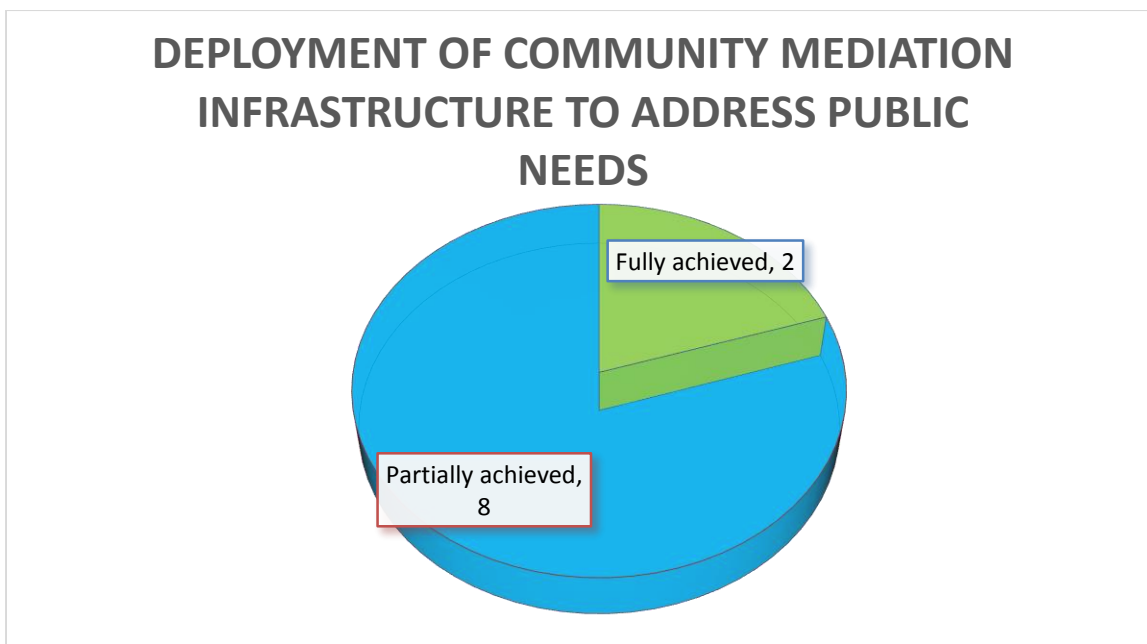


Figure 6: Deployment of Community Mediation Infrastructure to Address Public Needs

The majority of the PAC members expressed satisfaction with the design and administration of the Community Mediation Center Grant Program (see Figure 7: Satisfaction with Design and Administration of Grant Program, below). Seven out of twelve members indicated complete satisfaction while three were somewhat satisfied. One PAC member was somewhat dissatisfied.

SATISFACTION WITH DESIGN AND ADMINISTRATION OF GRANT PROGRAM

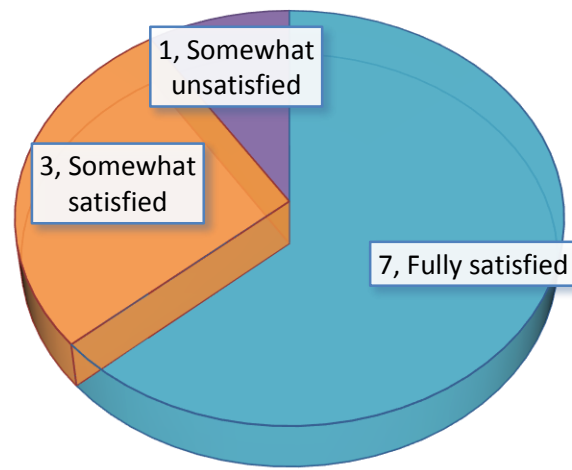


Figure 7: Satisfaction with Design and Administration of Grant Program

The PAC members who assigned lower ratings indicated that the grant application requirements were ‘onerous’ and/or ‘burdensome’ for the community mediation centers and advised MOPC to streamline the application process in future years. From the comments, it also appears that more improvement is needed in providing efficient updates on program implementation to the PAC. Here is a selection of the comments:

I believe the requirements for the cmp's [community mediation centers or CMCs] are very burdensome, particularly in light of the resources (\$\$) involved. I completely support accountability, raising the professional levels of cmp's, etc., but believe this can be done with much less bureaucracy.

I like that CMC is helping the programs gather data needed to make the long-term benefit case for funding of ADR, I think the application process should be reviewed to ensure it is not too difficult for the programs to complete.

My only caveat is to not get too bogged down with details, admin. I understand you need to document the investment of \$ but continue to worry that filling out the applications is more time consuming than necessary. Would be interested to know how programs feel.

I have heard concerns from programs that the reporting requirements are technically onerous.

The majority of the PAC members surveyed strongly agreed that MOPC’s administration of the Community Mediation Center Grant Program was accountable to the stakeholders concerned (see Figure 8: Accountable Grant Program Administration by MOPC, below). The PAC membership, as described above, consists of a wide variety of stakeholders with significant

interest and expertise in Massachusetts community mediation. The committee was provided sufficient data on program implementation and impact at the formative stage and also mid-course during program implementation to perform their evaluation.

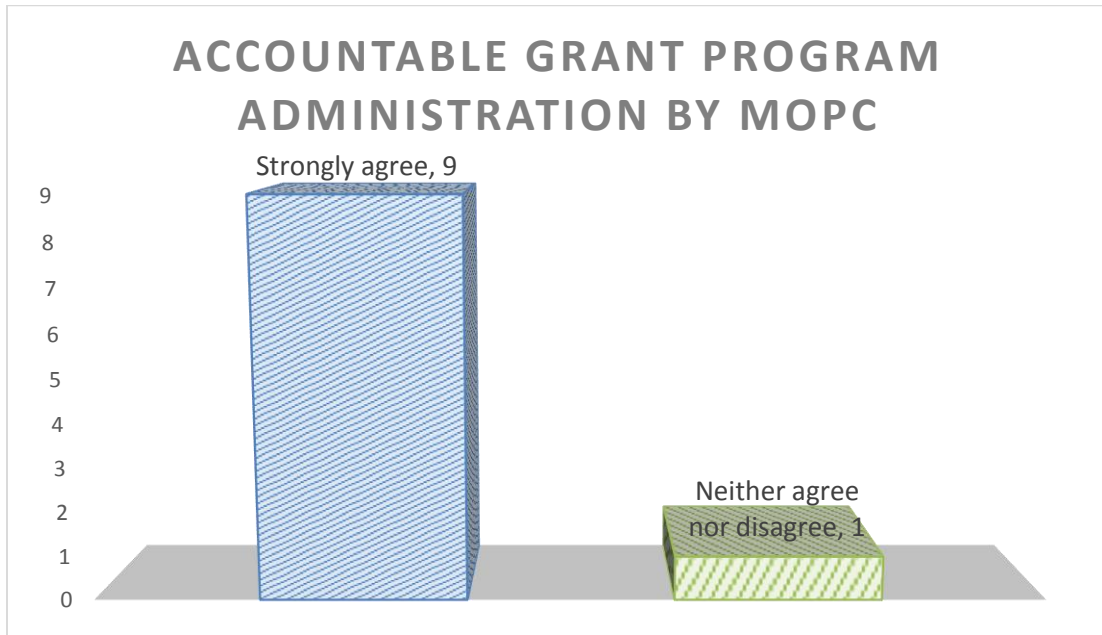


Figure 8: Accountable Grant Program Administration by MOPC

PAC members were also largely in agreement that the grant review process was satisfactory (see Figure 9: Grant Review Process, below). The grant review process is a key sub-process within grant-making and is critical to instilling confidence and respect for the CMC Grant Program.



Figure 9: Grant Review Process

Despite their concerns about the onerous nature of the grant application process, the majority of the PAC members indicated satisfaction with the grant-making policies and procedures developed and implemented by MOPC in Fiscal Year 2013 (see Figure 10: Grant-Making Policies and Procedures, below). These policies and procedures, modeled on successful policies and procedures in other states as recommended by the Fiscal Year 2012 *Legislative Study*, are the backbone of Community Mediation Center Grant Program administration.

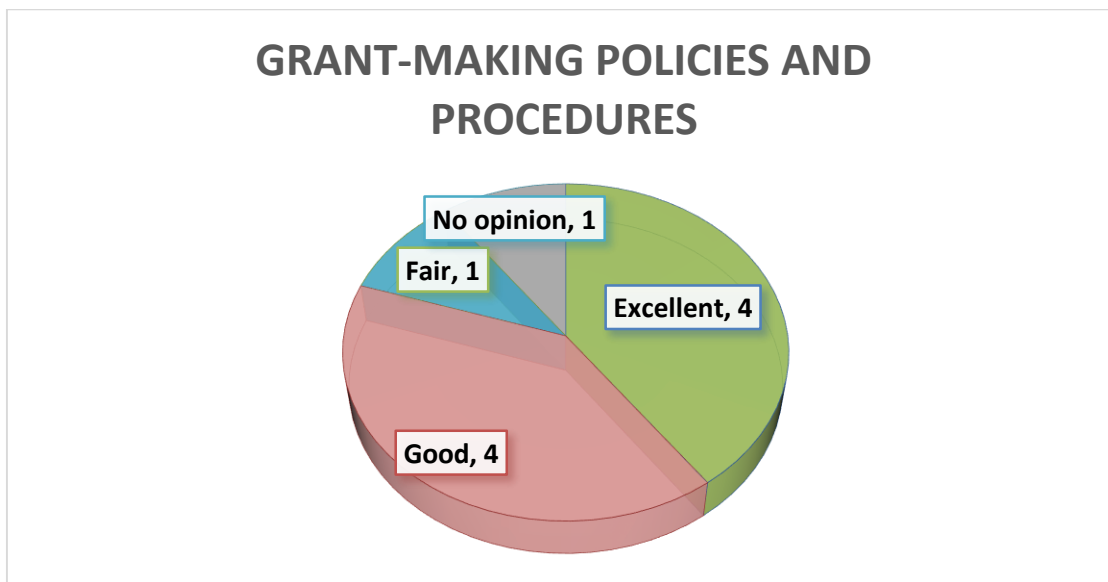


Figure 10: Grant-Making Policies and Procedures

The majority of the PAC members strongly agreed that MOPC's program administration was well-organized and efficient (see Figure 11: Organized Program Administration by MOPC, below).

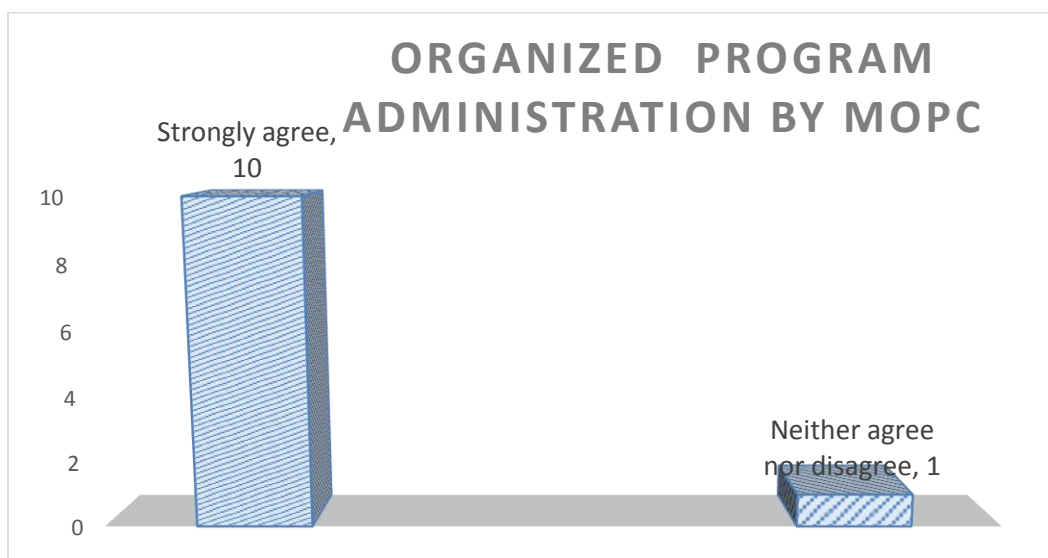


Figure 11: Organized Program Administration by MOPC

The Community Mediation Center Grant Program has no precedent in Massachusetts. MOPC had to develop its own approach to administering this type of a program. Given the inability to hire dedicated staff, MOPC program administration, conducted through the reorganization of existing staff, deserves special mention.

Despite its all-out effort to increase program administration efficiencies, MOPC believes there is room for improvement, and the Program Advisory Committee agrees (see Figure 12: Efficient Program Administration by MOPC, below). It can be generally estimated that program efficiencies would rise considerably if a dedicated full-time staff were deployed to administer the Community Mediation Center Grant Program.

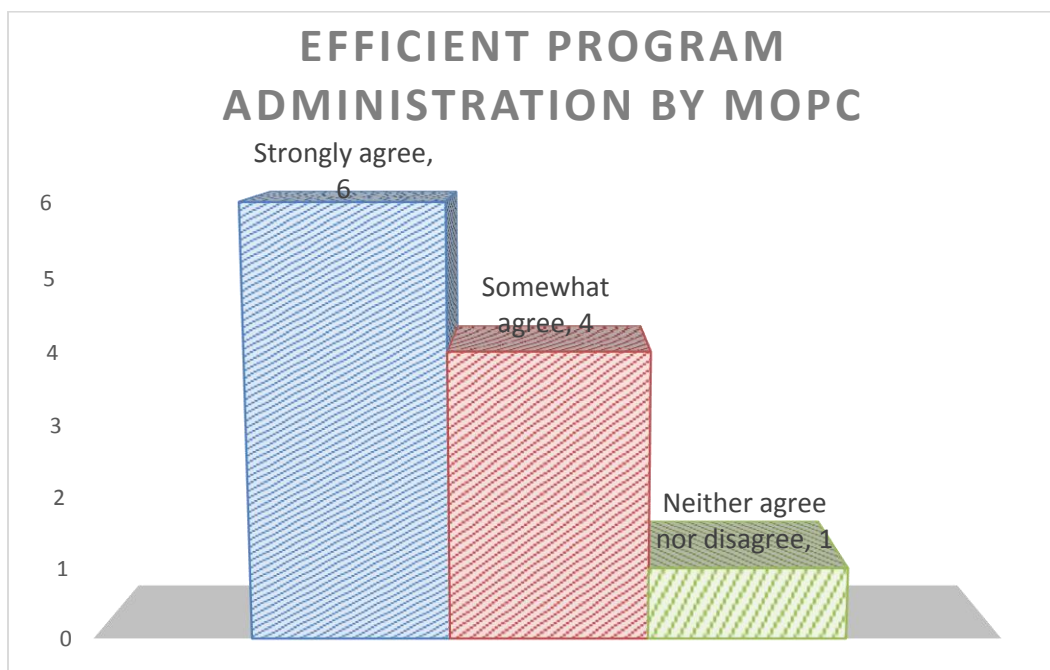


Figure 12: Efficient Program Administration by MOPC

The PAC members who felt program administration was less efficient made the following comments:

Again, the move to professionalize and create accountability for the programs is laudable, but overly burdensome. And, as I noted earlier, I believe the advisory committee has been brought in AFTER rather than before policies/protocols have been adopted by MOPC.

The only reason I put "somewhat agree" on efficient is because there is an awful lot of paperwork generated. Maybe this is a necessary evil, and is still as efficient as it can be, but it takes a lot of time and effort to generate it and interpret it and store it.

Funding for CMC Grant Program Administration

The legislative appropriations in support of the CMC Grant Program in Fiscal Year 2013 and Fiscal Year 2014 were cause for heartfelt celebration among centers and stakeholders. At the same time, challenges to the program's operation ensued as a result of the reduction in the appropriated funding amount in comparison to the \$1.25 million suggested in the *Legislative Study*. The shortfall in appropriations for the CMC Grant Program led to changes in MOPC plans for program administration. Unable to hire new dedicated staff to undertake program responsibilities as originally envisioned, MOPC was forced to delegate various aspects of program design and implementation among its existing staff. The number of activities that had to be undertaken in the first full fiscal year of operation was unexpectedly large and proved to be time-consuming due to unanticipated developments and MOPC's commitment to on-going collaboration with funded centers.

The reorganization of MOPC staff duties in order to conduct program administration activities (see Figure 13: Reorganizing MOPC Staff for Community Mediation Center Grant Program Administration, below) was critical for the smooth implementation of the program. Yet, in order to accommodate program responsibilities, other core functions of the state office had to be either scaled-down or put on hold to accommodate the extra work. By the same token, MOPC lacked the resources to accomplish certain program activities.

Although MOPC accomplished over 75% of its CMC Grant Program duties, nearly 25% are pending. For example, MOPC was unable to provide the centers with substantial assistance in the development of new initiatives in education and outreach, in the development of a mediator excellence program and in their search for new funding sources. Likewise, limited MOPC and CMC Grant Program resources resulted in the postponement of grant support for start-up community mediation service providers.

Furthermore, MOPC had to rely on its own state funding to cover a portion of the grant program administrative expenses, such as printing and telecommunications. The state office also had to use part of its state allotment and research trust fund and funding from residuals on sponsored projects (fees-for service work) to cover critical staffing requirements to administer the CMC Grant Program (see Figure 13: Reorganizing MOPC Staff for Community Mediation Center Grant Program Administration, below).

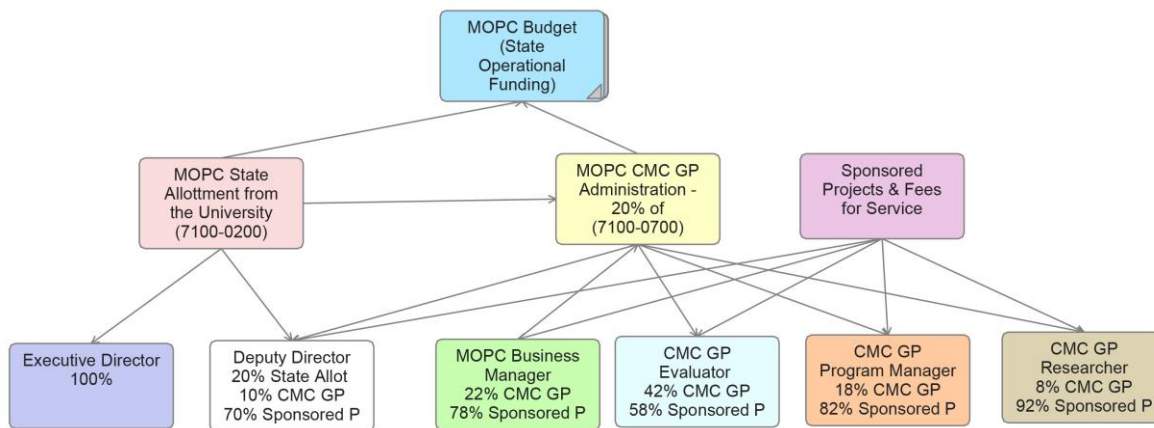


Figure 13: Reorganizing MOPC Staff for Community Mediation Center Grant Program Administration

Although this financial interdependence between the state dispute resolution office and the Community Mediation Center Grant Program enabled program administration in Fiscal Year 2013 and Fiscal Year 2014, it is unlikely to prove sustainable over the long-term. First, the Community Mediation Center Grant Program funding appropriated in Fiscal Year 2013 was only 51% of the budget estimated in the Fiscal Year 2012 *Legislative Study* (\$650,000 versus \$1.25 million) and only 44% in Fiscal Year 2014 (at \$550,000), resulting in smaller operational grants to centers and inadequate funding to support additional MOPC staff for complete program administration. Secondly, the state dispute resolution office (MOPC) as a whole is not fully funded. Only one position – that of the executive director – is completely supported by state funding through the University’s line item. Funding for the rest of the staff is raised through grants and sponsored projects, which are variable. In Fiscal Year 2013, in order to implement the CMC Grant Program with limited funding insufficient to hire new staff, MOPC had to redeploy portions of its other four full-time staff and a part-time research associate to work on CMC Grant Program tasks.

There appears to be two solutions to the problem of program administrator funding, both of which involve increased state operational funding to MOPC either through an earmark in the University line item 7100-0200 or through 7100-0700 for increased state appropriation to the Community Mediation Center Grant Program, where 20% of program funds are allocated for program administration. Ideally, if both options were simultaneously utilized to fund program administration, Massachusetts community mediation would ultimately benefit by attracting additional private and federal dollars through the establishment of special projects that address the needs of unserved or underserved geographical and demographical sectors of the population. With a dedicated full-time program administration staff, MOPC could help provide centers with substantial assistance in local fundraising, new program design, data collection and so forth.

Increasing state funding to Massachusetts community mediation above current levels is not without precedent. Historically, Massachusetts invested close to \$1 million annually in court-connected community mediation through the Trial Court (line item 0330-0410). Legislative appropriations for Massachusetts court-connected community mediation via the Trial Court almost doubled between Fiscal year 2001 and 2009 (see Figure 14: Legislative Appropriations FY 2001-2009, below).

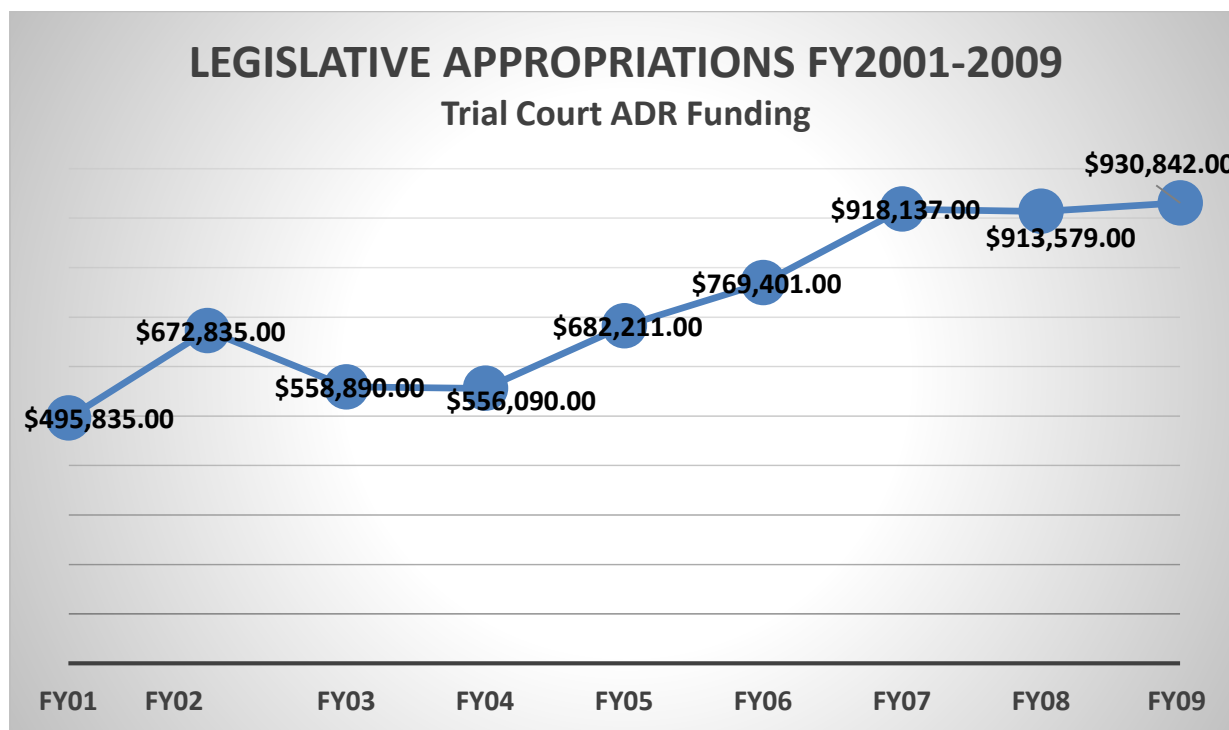


Figure 14: Legislative Appropriations FY 2001-2009

Innovative ways to increase funding to the Community Mediation Center Grant Program are available. States like California, Illinois, Michigan, Nebraska and Florida have raised funds from civil filing fees for court-connected community mediation centers. Prior to 2003 and the institution of a state funding earmark, 50% of the dispute resolution filing fee surcharges from each county in Oregon went to supporting community mediation in that county. The state of Nebraska uses a unique formula for funding, combining state appropriations with revenue from a designated cash fund that is funded by court filing fees. Oklahoma’s Dispute Resolution System Revolving Fund is financed through a \$2 surcharge for every civil filing fee and a \$5 fee from each party seeking mediation directly without filing a court action, and supplemented by a legislative appropriation. The Virginia General Assembly and the Department of Motor Vehicles created a “Peace” license plate for Virginia’s citizens interested in promoting peace and community peace-building. Each Peace plate generates \$15 for community mediation centers in Virginia.

Community Impact

The best argument for state support for community mediation comes from its impact on the lives of Massachusetts citizenry. To the extent that state community mediation support contributes to the vitality of community mediation centers, Massachusetts communities are furnished with access to the mediation services provided by these centers and receive assistance with resolving the disputes that bedevil their lives. An account of the activities of the funded centers and the consequences for their communities is provided below.

Profile of Funded Centers

The fifteen grantees awarded operational funds in Fiscal Year 2013 are, for the most part, long-standing community mediation centers. Thirteen centers originated in the late seventies and eighties, another in the nineties, and yet another in the 2000s, furnishing a combined 382 years of community mediation service to Massachusetts, at an average of 25 years per center.

The centers offer free or affordable mediation services through staff and the pro bono contributions of 502 active volunteer mediators. Of the fifteen funded centers, five centers mediate all cases free of charge. Services from the other ten centers are generally free for certain categories of cases – e.g. those connected to the courts, to schools, to public agencies, etc. – with their remaining cases – e.g., community-based disputes involving divorce or workplace issues – subject to sliding scale fees or ability to pay with a waiver option. In no center are services refused where there is an inability to pay.

All fifteen centers operate as not-for-profit ventures. Nine centers are independent non-profits, while six are each part of an umbrella organization – a regional housing authority, a community college, a community mental health service, family service agency, and two area community action agencies (see Figure 15: Institutional Structure, below).

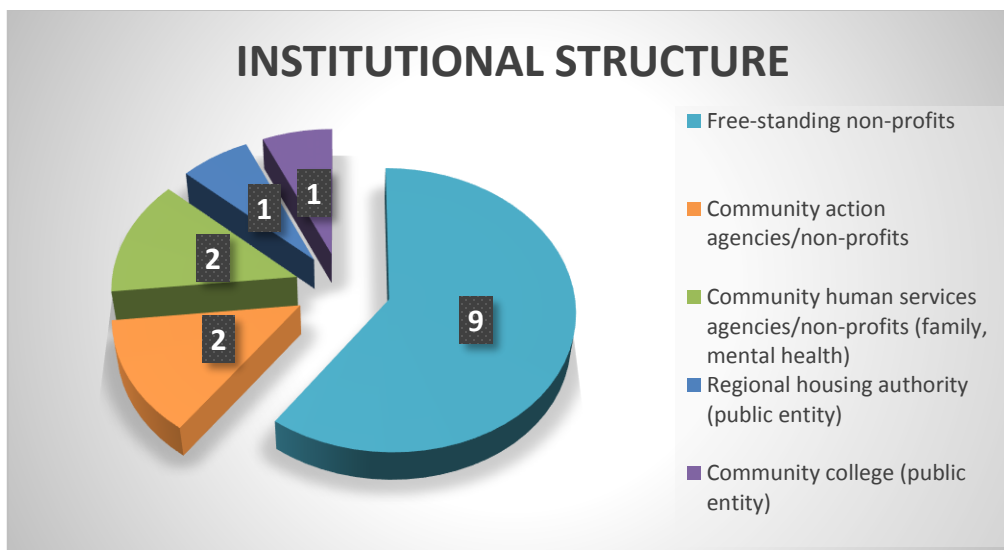


Figure 15: Institutional Structure

State operational funding for the Community Mediation Center Grant Program managed to help stabilize Massachusetts Community mediation to a large extent in Fiscal Year 2013. This improved stabilization may have prevented the closure of several centers. Other key outputs from the stabilization include the uninterrupted provision of locally accessible, free or low cost mediation services; increased access to justice for primarily low-income or unserved/underserved populations in all geographic regions of the state; a Twelve Point Model for grounding access to justice through community mediation in Massachusetts; the retention of a roster of 502 volunteer mediators trained to provide mediation services in their communities under the community mediation model; 4,219 mediations in Fiscal Year 2013 for primarily low-income residents of Massachusetts; 3,022 fully or partially resolved conflicts for state and local government, courts, schools, police departments, businesses and communities; a mid-year progress report to the Legislature, the Governor and the Court indicating considerable impact and return on investment to the court and local communities; a grant program website; outreach materials and presentations; legislative champions; ground work for developing new state-wide mediation programs; and the replication of the Massachusetts model for community mediation in other states, such as Virginia and Minnesota.

During Fiscal Year 2013, grantee centers used the grant funds to shore up their finances and reverse the negative impact of prior financial shortfalls. For the Berkshire County Regional Housing Authority (BCRHA), the North Shore Community Mediation Center (NSCMC, in Essex County), MetroWest Mediation Services (MWMS, which covers the MetroWest area), and Martha's Vineyard Center for Dispute Resolution (MVCDR), grant money was instrumental in sustaining their commitment to providing community mediation services. BCRHA used the grant money to help preserve existing mediation programming; NSCMC found it no longer needed to consider concentrating on a fee-for-service business model; MWMS could focus on winning approval as a court-connected alternate dispute resolution provider; and MVCDR increased the efficiency of its mediation procedures. Other centers used their grants to increase staff hours and compensation, which, in turn, allowed them to engage in critically important community mediation functions that had been shortchanged during the financial crisis. The Cape Cod Dispute Resolution Center (CCDRC, serving Cape Cod and Nantucket), Dispute Resolution Services (DRS, in Hampden County), the Middlesex Community College Law Center (MCC Law Center, providing dispute resolution services in Middlesex County), Mediation Services of North Central Massachusetts (MSNCM), and Metropolitan Mediation Services (MMS, operating in the Greater Boston area), restored their efforts to educate and reach out to the community and to other organizations so as to increase awareness and use of community mediation. For example, MCC Law Center increased its outreach and education activities from nine in 2012 to twenty-four in 2013 while MMS developed new relationships with six additional community agencies within Greater Boston's social service network. MMS and the Community Dispute Settlement Center (CDSC, serving the Greater Cambridge/Metro Boston area) renewed

their attention to achieving accountability and pursuing excellence by way of improved data collection.

The following figure (Figure 16: Grant Program Overview) indicates how the Community Mediation Center Grant Program has moved from crisis to increased stabilization and how important tangible (cost-benefit) and intangible benefits (access to justice) have accrued to the state over the course of a 12-month period. This analysis is based on a logic model analysis (see Attachment IV: Logic Model).

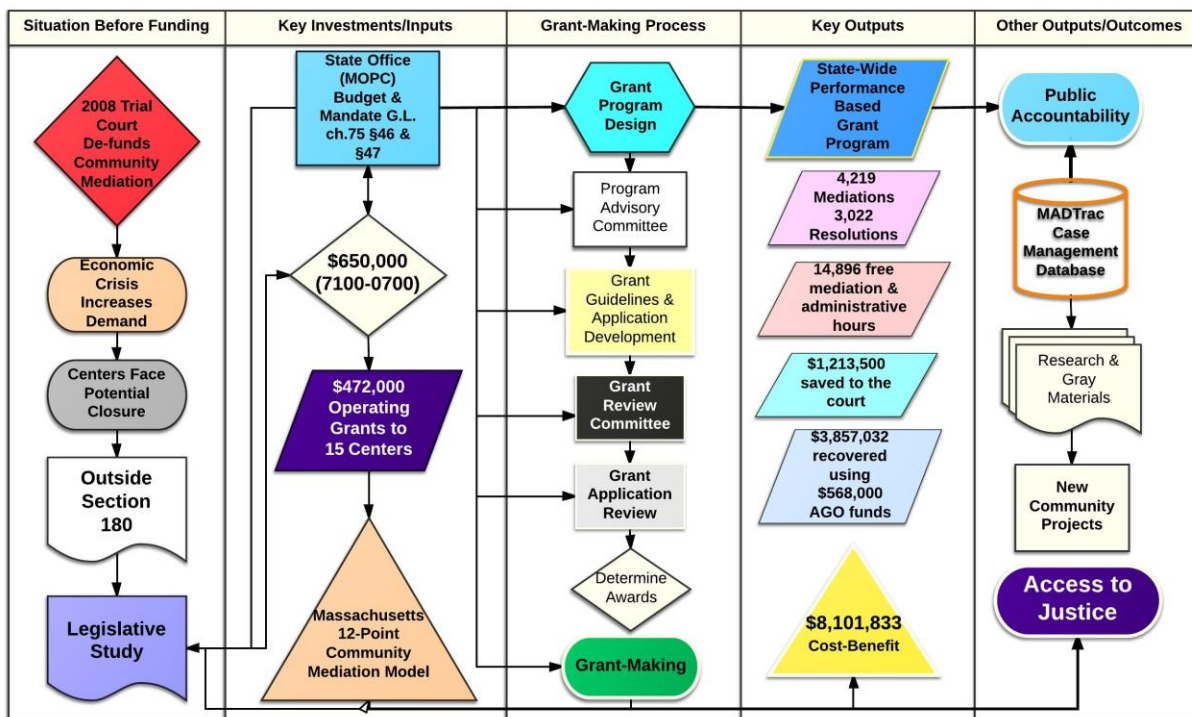


Figure 16: Grant Program Overview

Figure 16 also indicates the efforts taken to coordinate existing state-funded dispute resolution resources that have enabled continuous growth and expansion of community mediation and the robust effort taken to ensure public accountability through systematic collection of data. As a result, this new model for deploying community mediation embodied by the CMC Grant Program is not only accountable but is also grounded in empirical evidence. Furthermore, with the support of the University of Massachusetts Boston, community mediation is now supported as a public service within higher education. This model will create more opportunities for service learning and the generation of knowledge through research and evaluation.

Services to the Court and Community

The fifteen funded community mediation centers constitute a network of conflict resolution providers that extends across the state. The geographical reach of these centers covers 14 counties including such areas as the Berkshires, north central Massachusetts, greater Boston,

greater Cambridge, and Cape Cod and the Islands. Locally, the centers provide extensive coverage through the use of a variety of sites, including center offices with access to parking and/or public transportation, the courts, as well as other community locations, e.g., libraries, housing authorities, schools, town halls, social service agencies, etc.

Sustained functioning of the grantee centers enabled statewide access to their dispute resolution services. With respect to court-connected cases, these centers were approved as alternative dispute resolution programs by between one and twenty-one courts and so were able to provide dispute resolution services to the populations of the cities, towns, districts, and other areas in the counties served by the courts, for a total of 14 counties.

Mediation services were furnished by centers to parties in court cases at relevant court sites. Furthermore, parties, whether involved in court-connected or non-court connected disputes, were assured access to mediation services by center accommodation of parties' scheduling needs where appropriate. Later in this report, the section on the qualitative outcome of increasing accessibility includes a detailed account of the breadth of access to mediation services that were provided by center grantees during Fiscal Year 2013.

Massachusetts community mediation centers impact their communities by reducing conflict and increasing social capacity for conflict resolution through the mediations they conduct and the training in conflict management and conflict resolution that they provide. In Fiscal year 2013, fourteen centers performed a total of 6,390 intakes and 4,219 mediations at an average of 456 intakes and 301 mediations per center. During this period, most conflicts were resolved through mediation, with settlement rates exceeding 70%.

The fifteen centers funded in Fiscal Year 2013 are approved providers in the MA Trial Court. All fifteen are approved to serve the District Court; ten centers are approved to serve the Juvenile Court, eight to serve the Probate and Family Court, six to serve the Superior Court, two to serve the Boston Municipal Court, and one to serve the Land Court (see Figure 17: Number of CMC Grantees Involved with Divisions, below).

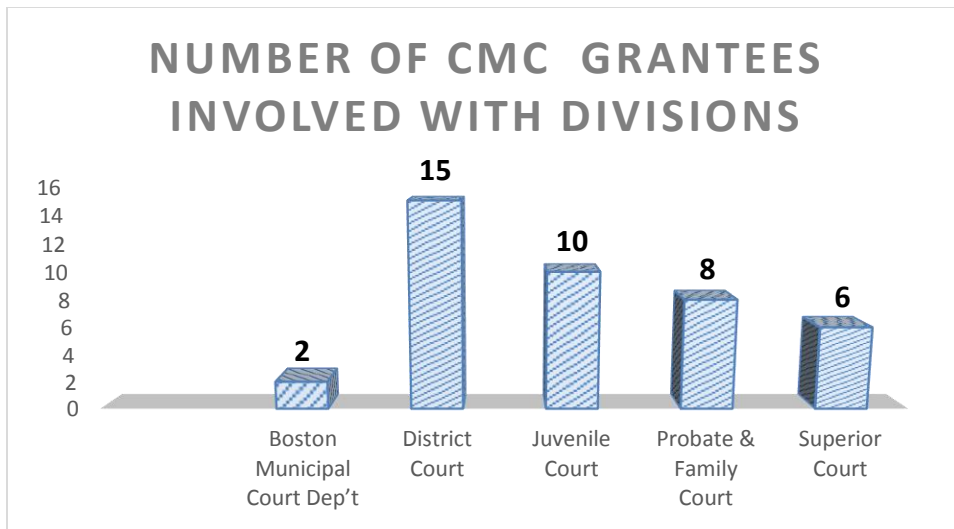


Figure 17: Number of CMC Grantees Involved with Divisions

Despite not being funded by the Trial Court since 2008, the fifteen centers funded by the Community Mediation Center Grant Program continue to serve a combined 82 court divisions out of a total of 109 court divisions (see Figure 18: Number of Court Divisions Served by Grantee Centers, below).

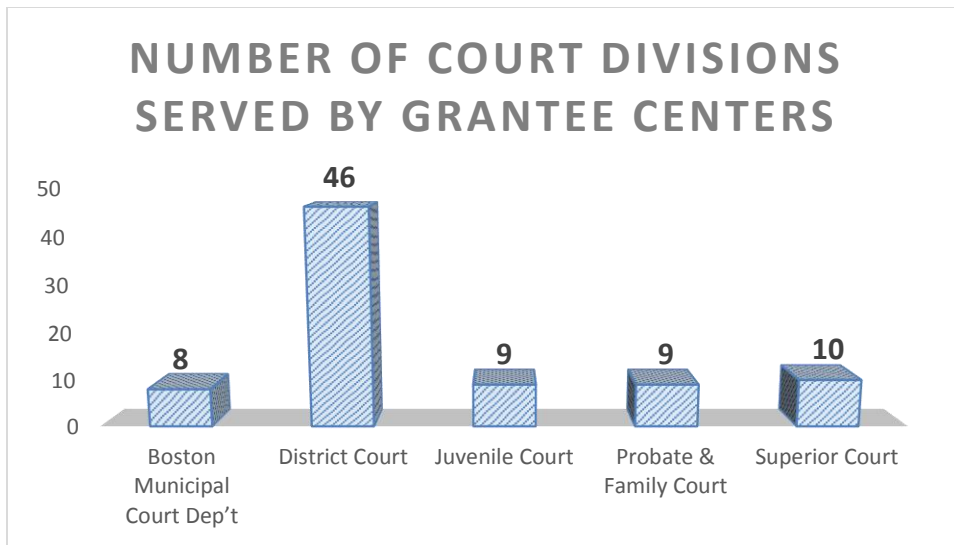


Figure 18: Number of Court Divisions Served by Grantee Centers

As the graph in Figure 19 below demonstrates, court services as a percentage of total services provided by centers is high, sometimes up to 100%. Between 41% to 100% of the work done by fourteen funded centers is in service to the court.

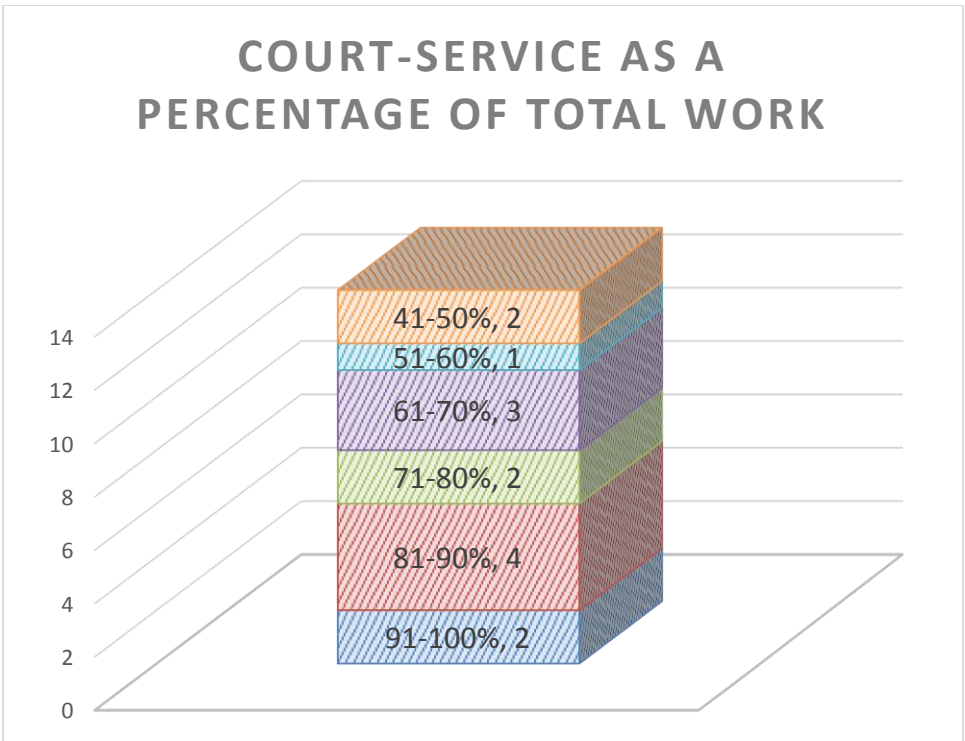


Figure 19: Court Service as a Percentage of Total Work

Due to the shortage of funding and related reasons, centers are unable to provide services to all court divisions, as shown by Figure 20: Gaps in Services to Court by Court Divisions, below.

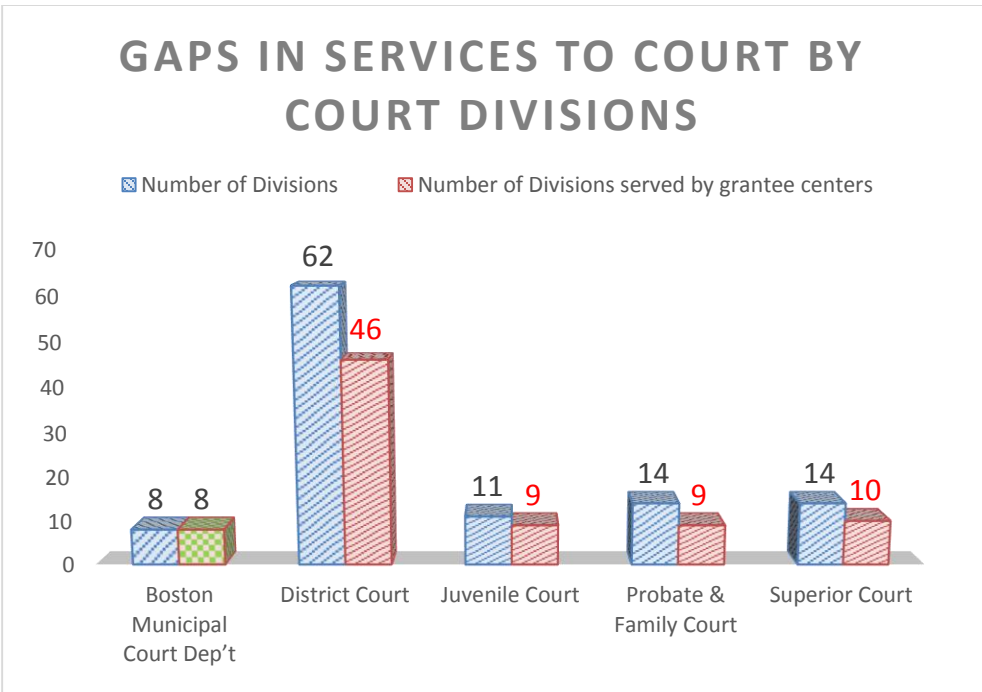


Figure 20: Gaps in Services to Court by Court Divisions

Even when they provide services to court divisions, the center grantees might not be able to provide an on-site presence because of staff shortages. Since court personnel has also been reduced due to recent budget cuts, the provision of community mediation services from the funded centers contributes significantly to efforts to increase access to justice for poor and/or marginalized populations in Massachusetts. A reduction in court staff also means that centers have to conduct more outreach to disputing parties to facilitate access to mediation.

If community mediation services were to be provided/increased in all court divisions, cost-savings to the court and parties could rise dramatically. The cost savings from free/sliding scale community mediation in Massachusetts were well-documented in the early 90's. The cost savings to the Massachusetts court system from the use of mediation services provided by free or non-fee based ADR programs were calculated by the Trial Court Standing Committee on Alternative Dispute Resolution at over \$3 million in 1991 for juvenile cases alone.⁸ As for costs to parties in Massachusetts, in fiscal year 1997, the 431 trial days that were saved by 88 successful mediations of Superior Court cases saved \$4 million in attorney time. During the previous fiscal year, \$6 million dollars of attorney time were probably saved due to the 450 trial days that were eliminated by 92 mediations.⁹

However, excessive dependency on court referrals can limit the ability of community mediation centers to provide early intervention and prevention programs in their communities, and court administrative requirements and regulations may limit the capacity of centers to develop their non-court related mediation services.¹⁰ The Massachusetts Twelve Point Model offers a remedy to the problem by promoting diversity in referral and funding sources, which is systematically implemented through the Community Mediation Center Grant Program to increase non-court or community-based services.

Four of the fifteen centers funded in Fiscal Year 2013 were originally created to serve the court. The court is also the primary referral source for many types of disputes. Many centers maintain a presence in court to assist parties from resolving conflicts through a non-adversarial process, often with significant impact.

Although court-connected cases predominate, Fiscal Year 2013 trends indicate that nearly all the centers included community-based disputes in their portfolios, even those four centers that were originally established to function as auxiliaries to the court. A total of 2,432 community-based intakes were report against 3,958 court-based intakes in Fiscal Year 2013. Community-

⁸ Cratsley, J. C. (2000). *Funding court-connected ADR: Helping people resolve conflicts*. Supreme Judicial Court-Trial Court Standing Committee on Alternative Dispute Resolution.

⁹ *Ibid.*

¹⁰ Wilkinson, *op. cit.*

based intakes are 38% of all intakes (6,390) (see Figure 21: Court Intakes vs. Community Intakes).

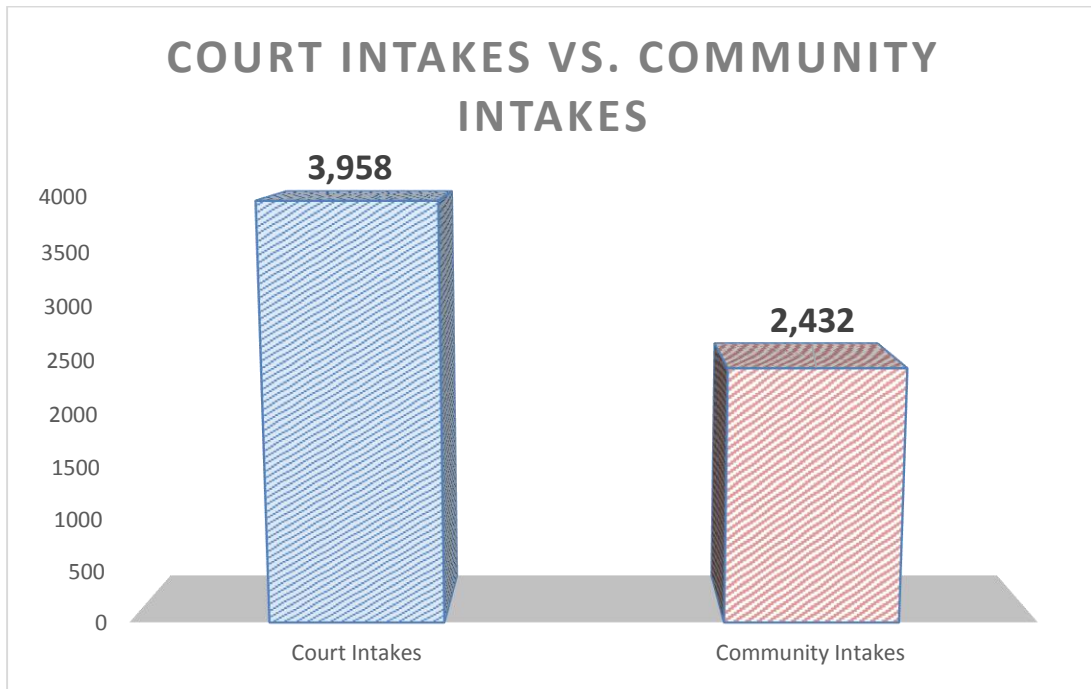


Figure 21: Court Intakes vs. Community Intakes

Whether referred from the courts, the community, schools, the Attorney General’s Office, housing authorities, or from elsewhere, centers handled 51 categories of disputes. The breakdown is as follows: Agriculture (1 center), Animal/pet-related (9 centers), Arts (1 center), Automotive (12 centers), Code enforcement (3 centers), Commercial (8 centers), Construction (11 centers), Consumer/merchant-service provider (15 centers), Bankruptcy (1 center), Business to business (12 centers), Civil Litigation (8 centers), Criminal (7 centers), Probate (8 centers), Protective/Restraining orders (1 center), Small Claims (15 centers), Credit-lender (10 centers), Cross-cultural (5 centers), Disability (4 centers), Discrimination (2 centers), Diversity-related (2 centers), Environmental (2 centers), Faith/religious/spiritual-based (1 center), Family: Custody-visitation/parenting plans (8 centers), Family: Divorce (8 centers), Family: Elder (6 centers), Family: Estate, business, financial (7 centers), Gang related (1 center), Healthcare (7 centers), Housing: Eviction-Forcible entry & detainer (7 centers), Housing: Foreclosure (5 centers), Housing: Landlord/tenant (13 centers), Insurance (7 centers), Intellectual property (1 center), Interpersonal (9 centers), Military-related: Re-Integration/military family (1 center), Neighbor (15 centers), Organizational (9 centers), Personal injury (4 centers), Police (4 centers), Property/Land use (10 centers), Public policy (1 centers), Real estate (9 centers), School: Bullying (2 centers), School: Peer (5 centers), School: Staff/Student (2 centers), School: Truancy (2 centers), College: Roommates (8 centers), Securities/financial (1 centers), Victim-offender: Adult (2 centers), Victim-offender: Juvenile (2 centers), Workplace (8 centers).

Program Outputs and Outcomes

As part of the Program Design Process, MOPC developed program outputs and outcomes to measure the progress of funded centers in providing dispute resolution benefits to their communities. The following outputs and outcomes are tracked under the summative evaluation of the Community Mediation Center Grant Program.

Grant program outputs/outcomes are twofold:

1. Quantitative outputs/outcomes
2. Qualitative outputs/outcomes

Quantitative and qualitative outputs and outcomes are assessed by way of the quantitative and qualitative indicators developed in the relevant fiscal year.

Quantitative Outputs and Outcomes

The quantitative indicators track quantifiable outputs from caseload activity to agreement/settlement rate. These indicator-based outputs provide us with a numerically reliable sum of the impact of Massachusetts community mediation in Fiscal Year 2013.

The main quantitative outputs achieved in Fiscal Year 2013 are as follows:

1. A state-wide performance-based grant program for funding Massachusetts community mediation was developed in Fiscal Year 2013.
2. 15 centers covering all geographic regions qualified to receive state operational funding in October 2012.
3. \$472,000 in annual operating grants to community mediation centers across the state was released in October 2012.
4. Full-time or part-time staff hired by Massachusetts community mediation using unrestricted state operational grants in Fiscal Year 2013.
5. 502 volunteer mediators trained to provide mediation services in their communities by 15 centers in Fiscal Year 2013.
6. 4,219 mediations for primarily low-income residents of Massachusetts in Fiscal Year 2013 from 6,390 intakes.
7. 3,022 fully or partially resolved conflicts for state and local government, courts, schools, police departments, businesses and communities in Fiscal Year 2013.
8. A model new community mediation program design, grant application request and application form were developed in July 2012.
9. Grant application requests were issued and applications from 16 centers collected in August 2012.
10. A model new program administration practices, including baseline and performance-based funding model were developed in July 2012.
11. A model new community mediation webpage was developed in July 2012.

12. A unified case management and reporting system (MADtrac) and statistical data aggregation system (STATtrac) customized for Massachusetts in June 2013 and delivered to 14 centers for recording center-level activities and impact in August 2013.
13. A MADtrac case management system hands-on training event was held in May 2013.
14. A 3-member Grant Review Committee was appointed in July 2012.
15. A 12-member Program Advisory Committee representative of major stakeholders was appointed in October 2012.
16. Two Program advisory committee meetings were held in November 2012 and March 2013.
17. Three monitoring and evaluation surveys were conducted of community mediation centers (October 2012, December 2012 and October 2013), and two of the Grant Review Committee and Program Advisory Committee (September 2012 and October 2013).
18. Two group meetings on program implementation, data collection etc. were held with funded community mediation centers in December 2012 and May 2013.
19. Two reports and presentations given to Program Advisory Committee in December 2012 and March 2013.
20. A mid-year progress report to Legislature, Governor and Court in January 2013 (a comprehensive 100-page report on 6-months of program implementation and impact including a cost-benefit analysis was delivered in January 2013).
21. Legislative briefing held at the State House on January 16, 2013 was attended by over 50 legislators and/or their representatives. Program advocacy was provided to legislators and legislative leaders, state administration officials, University officials, court representatives and state budget analysts .
22. Research and scholarly publications (e.g., *Legislative Study*, Parent Mediation article, Foreclosure Mediation study; UMass Amherst Center for Public Policy student research; NSF grant application for study with Bentley College)
23. Legislators actively championing community mediation (46 Representatives and 27 Senators)
24. Four grant applications seeking additional extramural funding for community mediation programming (e.g., two AGO HomeCorps grants for foreclosure mediation with FSCM; a Department of Public Health grant for positive youth development/peer mediation with TMTC).
25. Two other state-funded community mediation systems modeled on Massachusetts (Minnesota adopted; Virginia pending).

Quantitative Outputs Narrative

Caseload Activity

Community mediation center grantees conducted over 6,000 intakes and over 4,000

mediations during Fiscal Year 2013: During Fiscal Year 2013, 7,813 individuals turned to the center grantees for assistance with their disputes, causing the funded centers to undertake 6,390 intakes. Comparisons with center productivity for the pre-grant year, Fiscal Year 2012,

tentatively indicate a 20% increase in intakes for Fiscal Year 2013.¹¹ The Fiscal Year 2013 intake process, which to some degree involved determining the suitability of the dispute for mediation and gaining the consensual cooperation of the disputants, resulted in 4,219 mediations, a 1% increase over the previous fiscal year.

Keeping the need for caution about Fiscal Year 2012 data in mind, the increase in intakes and mediations from Fiscal Year 2012 to Fiscal Year 2013 did not characterize all the center grantees. Seven centers had more intakes in Fiscal Year 2013 than in Fiscal Year 2012 and eight centers had fewer intakes in Fiscal year 2013 than in Fiscal Year 2012 while there were more mediations at five centers and fewer mediations at ten centers in Fiscal Year 2013 than in Fiscal Year 2012. Although the factors affecting any center's caseload are complex, the courts exerted a significant influence. Since 69% of intakes of 14 funded centers¹² were day-of-trial intakes, indicating that the majority of center cases came from the courts, perturbations in the court system were reflected in the caseload of several centers. Thus, MWMS found that the number of court sessions it attended declined because of the combined Natick and Framingham summary process session, and that a decided increase in small claims defaults resulted in a reduced number of cases for mediation. Moreover, a further reduction in MWMS's caseload was occasioned by referral delays caused by changes in the data system at the Juvenile Court. Meanwhile, a parallel increase in eviction cases led MWMS to provide additional training to its mediators in preparation for upcoming eviction disputes. Similarly, according to MMS, staff and procedural changes in the Stoughton and Newton Courts (e.g., in Stoughton, multiple cases are now represented by a single attorney instead of one attorney per case) resulted in a decrease in eviction and foreclosure cases, which was partly offset by an increase in these types of cases in West Roxbury, Dorchester, and the BMC courts.

Monetary Outcomes of Conflict Reduction

The monetary outcomes of Massachusetts community mediation is an understudied area. However, a closer examination of the activities undertaken by state-funded community mediation centers reveals some straightforward economic impact.

The estimated monetary benefit from Massachusetts community mediation is over \$8 million (see Figure 22: Cost-Savings and Figure 23: Holistic Financial Outcomes from State Funded

¹¹ There was no single understanding of what counted as an intake or as an eligible mediation among the centers during FY 2012, which diminishes the reliability of FY 2012 intake and mediation numbers. Definitions of the respective intake and mediation categories for CMC Grant Program purposes were developed in FY 2013, thereby increasing the legitimacy of aggregating intake and mediation data for that year. The FY 2013 numbers are consequently preferred for use as a baseline to measure changes in center productivity over the years. In the meantime, present comparisons between FY 2012 and FY 2013 intake and mediation numbers should be regarded with a high degree of caution.

¹² One center's intake numbers did not yield a reliable distinction between court-connected and non-court-connected intakes.

Community Mediation). The actual monetary benefit may be much higher. A sample of these monetary impacts includes the following:

Cost-Savings from MA Community Mediation

1. \$3,857,032 saved to parties from face-to-face mediations conducted by fourteen centers.
2. \$1,213,500 saved to the court system and \$242,700 to parties from successfully mediated small-claims, summary process and minor criminal cases in Fiscal Year 2013.
3. \$480,000 saved to parties from 96 successful divorce mediations.
4. \$88,046 saved from avoided student suspensions or expulsions as a result of 266 successful peer mediations conducted by four Massachusetts community mediation centers.
5. \$76,195 saved from 49 juvenile cases going through court.
6. \$40,000 saved to local businesses/organizations from workplace mediations.

Resources Leveraged by MA Community Mediation

1. \$790,500 leveraged by 502 volunteer mediators at fourteen Massachusetts community mediation centers.
2. \$747,600 worth of mediation trainings for 1,246 community members.
3. \$517,500 from re-investing in existing centers with established networks of volunteers, referral sources and programmatic funders
4. \$128,570 in matching funds raised by centers for the \$472,000 in Fiscal Year 2013 state operating grants.
5. \$127,180 pro bono administrative services from staff and volunteers.

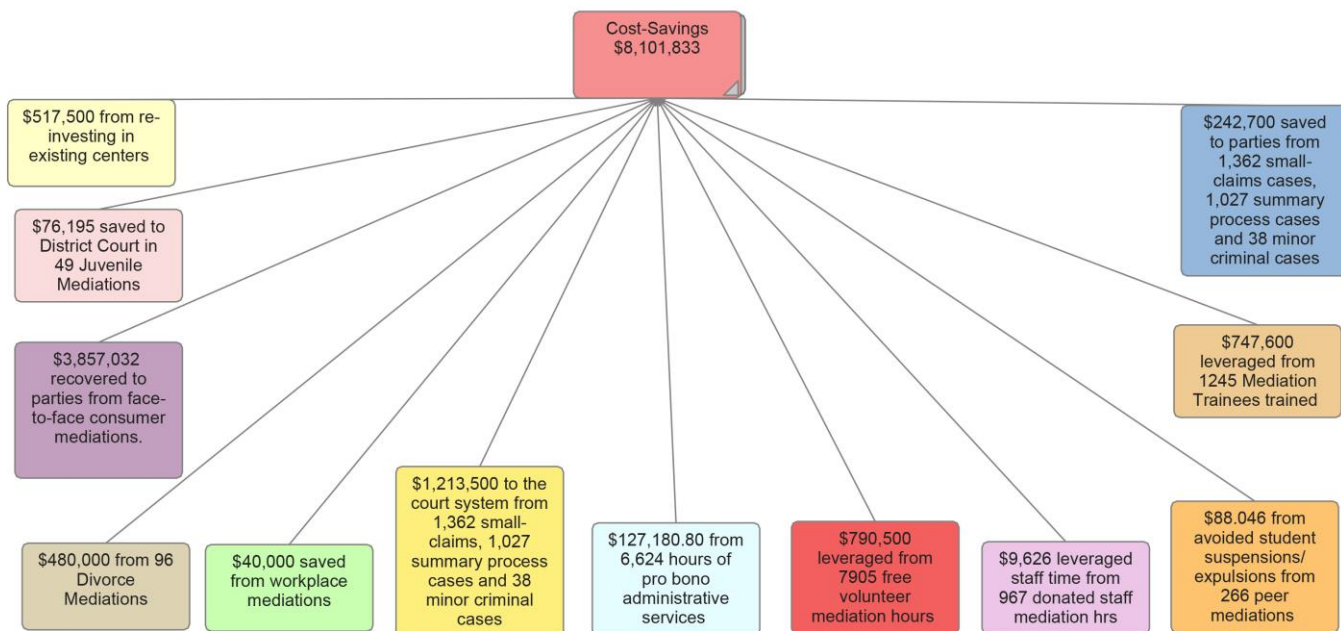


Figure 22: Cost-Savings

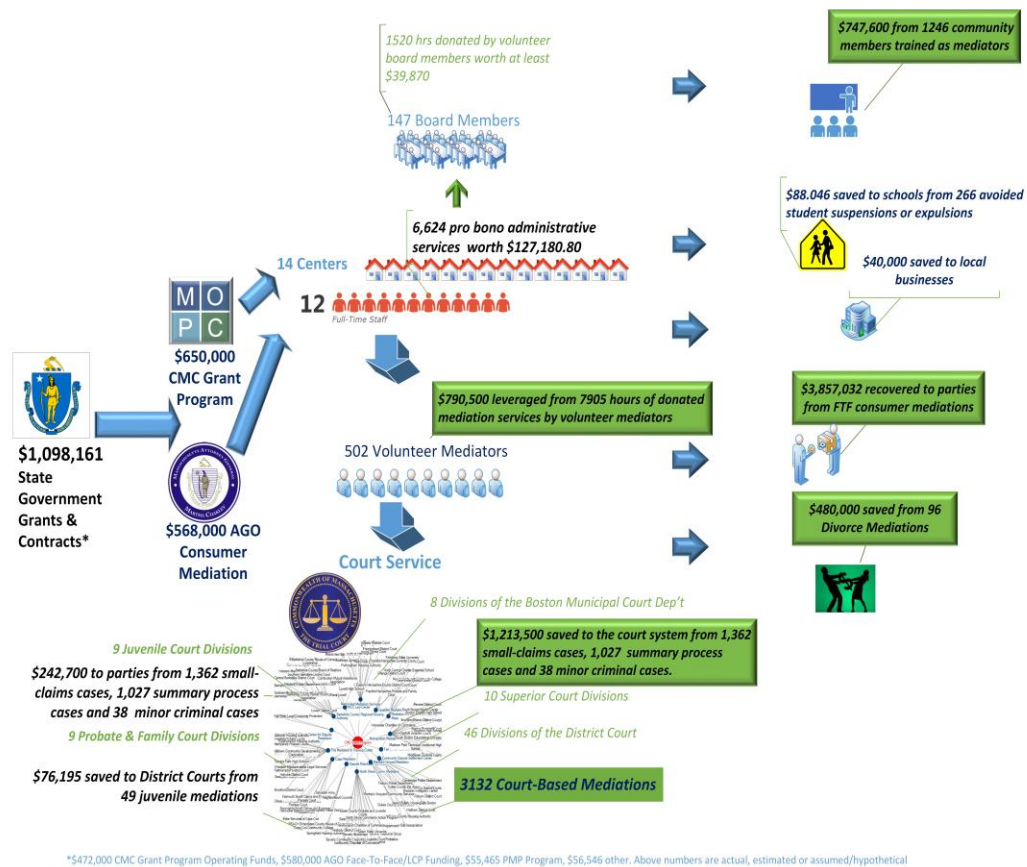


Figure 23: Holistic Financial Outcomes from State Funded Community Mediation

One of the largest cost-benefits derives from the impact of community mediation services on the court, particularly with respect to small-claims mediation and, to a lesser extent, to divorce mediation, a practice that is still largely in the hands of private practitioners. Another key monetary outcome has been the recovery of money by parties in consumer disputes. Consumer disputes are a stark reminder that disputes can have financial consequences. Consumer disputes are often mediated by funded centers participating in the Face-to-Face (FTF) Mediation Program, one of the Attorney General’s (AG’s) consumer protection programs. Under the auspices of the FTF Mediation Program, fourteen funded centers along with two other organizations “help consumers resolve disputes” in “more than two-thirds of the cities and towns and 49 District Courts throughout the Commonwealth.”¹³ As a consequence, these consumer mediation efforts (plus those of the telephone-based mediations in the AG’s Local Consumer Program) dealt with more than 10,000 cases and returned over \$6.5 million to

¹³ Attorney General of Massachusetts, Face-to-Face mediation programs. Retrieved November 7, 2013, from <http://www.mass.gov/ago/consumer-resources/consumer-assistance/mediation-services/face-to-face-mediation.html>

consumers during Fiscal Year 2013.¹⁴ The prevalence of center grantees in the FTF Mediation Program indicates that the monetary value attached to the impact of their mediation efforts on reducing conflict was substantial. For a more detailed analysis of cost-benefits from community mediation, please see the economic analysis in the section, “Economic Impact of State Operational Funding,” below.

Diversifying Funding

Research demonstrates that diversified funding “result[s] in a healthy independence or healthy interdependence of various organizations, including the courts.”¹⁵ Thirteen of the fourteen centers (93%) surveyed in the Fiscal Year 2012 *Legislative Study* indicated that long-term state operating funding would be used to leverage other forms of funding. The Fiscal Year 2013 grant application required centers to demonstrate how they can diversify community mediation funding by pledging a cash match to be raised from other different sponsors and funders as a means of increasing the financial independence of community mediation over the longer term. Commendably, in Fiscal Year 2013, centers raised a total of \$2,217,896 in funding from a number of sources: \$282,366 from private foundations, \$169,490 from the federal government, \$69,359 from local government, and \$48,933 from other local sources. This augurs well for the long-term sustainability of Massachusetts community mediation. The state accounted for 49% of funds raised, with 52% of state funding coming from the AGO FTF funding and 38% from Community Mediation Center Grant Program grants.

Serving a Broad Spectrum of the Population

Nearly all the centers made a concerted effort to reach out to different segments of the population to address their conflict resolution needs outside the court context. Based on the prevalence of both day-of-trial and non-court-connected intakes (also referred to as non-court intakes or regular intakes) for all centers, it is safe to assume that the centers’ services were not limited to litigation disputants but extended to parties involved in non-court or community conflicts as well. MWMS, for example, mediated workplace, elder care, and divorce disputes that resolved before reaching court. Family Services of Central Massachusetts Mediation Program (FSCM, in central Massachusetts), for another, dealt with family disputes referred to it by a law firm.

Although caution about Fiscal Year 2012 data is in order, for 14 centers, 25% of the Fiscal Year 2012 intake total of 5,069 comprised non-court intakes, and in Fiscal Year 2013, the proportion of non-court intakes increased to 31% of the total of 5,410 intakes. Inasmuch as intakes delimit

¹⁴ Fraga, B. (2013, July 5). AG grants awarded to Fall River area consumer, mediation programs. *The Herald News*. Retrieved October 28, 2013, from <http://www.heraldnews.com/news/x273430615/AG-grants-awarded-to-Fall-River-area-consumer-mediation-programs>

¹⁵ Kent, J. C. (2005). Getting the best of both worlds: Making partnerships between court and community ADR programs exemplary. *Conflict Resolution Quarterly*, 23:1, 71-85, 79.

subsequent mediations, it is highly likely that the proportion of non-court mediations likewise increased from Fiscal Year 2012 to Fiscal Year 2013. Anecdotal evidence of the increase in non-court mediations is furnished by MSNCM, MMS, and CCDRC. MSNCM increased non-court mediations over the past fiscal year, dealing with neighbor disputes referred by local housing authorities and two complex family mediations – one involving estate distribution and business management and the other concerned with inter-generational housing. CCDRC developed a new elder mediation program in Fiscal Year 2013 that received seven referrals, which led to two mediations that culminated in agreements. MMS reported a tripling of in-office and community referrals, from 45 to 128, and 11 times more community mediations – from eight to 88 – conducted in Fiscal Year 2013 than in Fiscal Year 2012.

The majority of referrals received by the centers was generated by the courts. Community-based referrals proved more difficult to obtain. In some cases, the full potential of center contacts to produce referrals or support from other organization has yet to be realized. One center – NSCMC – engaged in all types of outreach activities and then took the extra steps of strategizing with its Board Marketing Committee about publicizing its work and consulting with a marketing expert on reaching unreceptive communities. In other cases, contacts with organizations did bear fruit. As reported by center grantees that kept statistics about referrals, the 356 mediation referrals received by TMTTC came from 16 referral sources –including the courts, schools, attorneys, therapists, former clients, other Community Action programs, local consumer programs, Department of Children & Families, and MA Housing and Finance Agency in dispute categories ranging over small claims/consumer (128), domestic relations (94), family & child custody (8), housing (8); school mediation (105), workplace (5), and other (8); and the CDSC connected cases with referral sources to find that self/friend/previous client amounted to 18% (12) of cases, public agencies comprised 15% (10), attorneys/legal services accounted for 11% (7), the internet yielded 12% (8), private agencies generated 6% (4), unknown led to 5% (3), and mental health counselors produced 2% (1).

Mediation Agreements

Ultimately, the express goal of community mediation is to reduce conflict. Conflict reduction can be accomplished in several ways: existing disputes can be eliminated, existing disputes can be reduced in intensity, or disputes can be prevented from occurring. Community mediation's impact upon the incidence of conflict is typically measured by the elimination of existing disputes through resolution by agreement. Across the nation, community mediation centers claim agreement rates of more than 66% for nearly 100,000 disputes mediated annually.¹⁶ Community mediation center grantees achieved comparable success in resolving the disputes presented to them in Fiscal Year 2013. Fourteen of the center grantees reported a total of

¹⁶ Gazley, B., Change, W. K., & Bingham, L. B. (2006). Collaboration and citizen participation in community mediation centers. *Review of Policy Research*, 23:4, 843-868.

2,980 full agreements mediated during Fiscal Year 2013, attaining a 71% agreement rate over 4,219 mediations. The rates ranged from 48.5% to 90% with the largest number of agreement rates (five) in the 75% to 85% category. By supporting the continued functioning of centers, grant money contributed to center participation in mediation programs sponsored by other government agencies, such as the Parent Mediation Program (PMP) and the Face-to-Face (FTF) Mediation Program. In the PMP, sponsored by the Massachusetts Department of Revenue's Child Support Enforcement Division under a Federal Access and Visitation grant and administered by MOPC, seven center grantees provided up to six hours of free mediation services under a co-mediation model to divorced, separated, or never-married parents in disrupted families to deal with parenting issues surrounding custody, access, parenting time, and visitation. Surveys of participating parents in the PMP show that center grantees were similarly successful at reducing conflict in the specialized area of divorce disputes as in disputes generally. Between 50% and 80% settlement rates are reportedly attained in divorce mediation.¹⁷ In the PMP, 58% of 67 surveyed parents, whose parenting disputes were mediated by center grantees, reached agreement.

Qualitative Outputs and Outcomes

Not all impacts from community mediation are quantifiable. Often, the value of qualitative outcomes are treasured more by centers and those that seek their services than the more quantifiable impacts commonly used for policymaking. In order to assess the breadth of these qualitative outputs/outcomes, qualitative indicators of impact were developed (see Attachment III) from (1) the Twelve Point Model and (2) from the general practice of Massachusetts community mediation (as revealed through their grant applications and center profiles) and (3) community mediation research in Massachusetts and elsewhere. The following analysis focuses on qualitative impact based on the Twelve Point Model using data from a survey of community mediation center grantees in Fiscal Year 2013 followed by a broader analysis of qualitative impact based on the complete list of qualitative indicators developed for Fiscal Year 2013.

Key qualitative impacts based on the Twelve Point Model

The key qualitative impacts investigated under a survey administered to community mediation centers in October 2013 are as follows:

1. Increasing community outreach
2. Increasing training/community education
3. Increasing accessibility to community mediation services locally
4. Increasing accessibility to community mediation centers in the court
5. Increasing volume of free mediation services

¹⁷ Ballard, R.H., Holtzworth-Munroe, A., Applegate, A. G., & D'Onofrio, B. (2011, January). Factors affecting the outcome of divorce and paternity mediations. *Family Court Review*, 49:1, 16-33.

6. Increasing volume of sliding/scale/subsidized mediation services
7. Increasing broader utilization of community mediation services
8. Increasing broader involvement of the community in center governance
9. Extending services to low income individuals
10. Extending services to underserved/un-served populations

In the year-end survey of centers, the highest ranked qualitative impact in Fiscal Year 2013 was the extension of services to the poor and unserved/under-served (a rating of 9.18 out of 10) followed by extending services to the poor (8.55 out of 10) (see Figure 24: CMC Grant Program Qualitative Impact, below). This is in line with the community mediation model nationally, particularly in a bad economy.

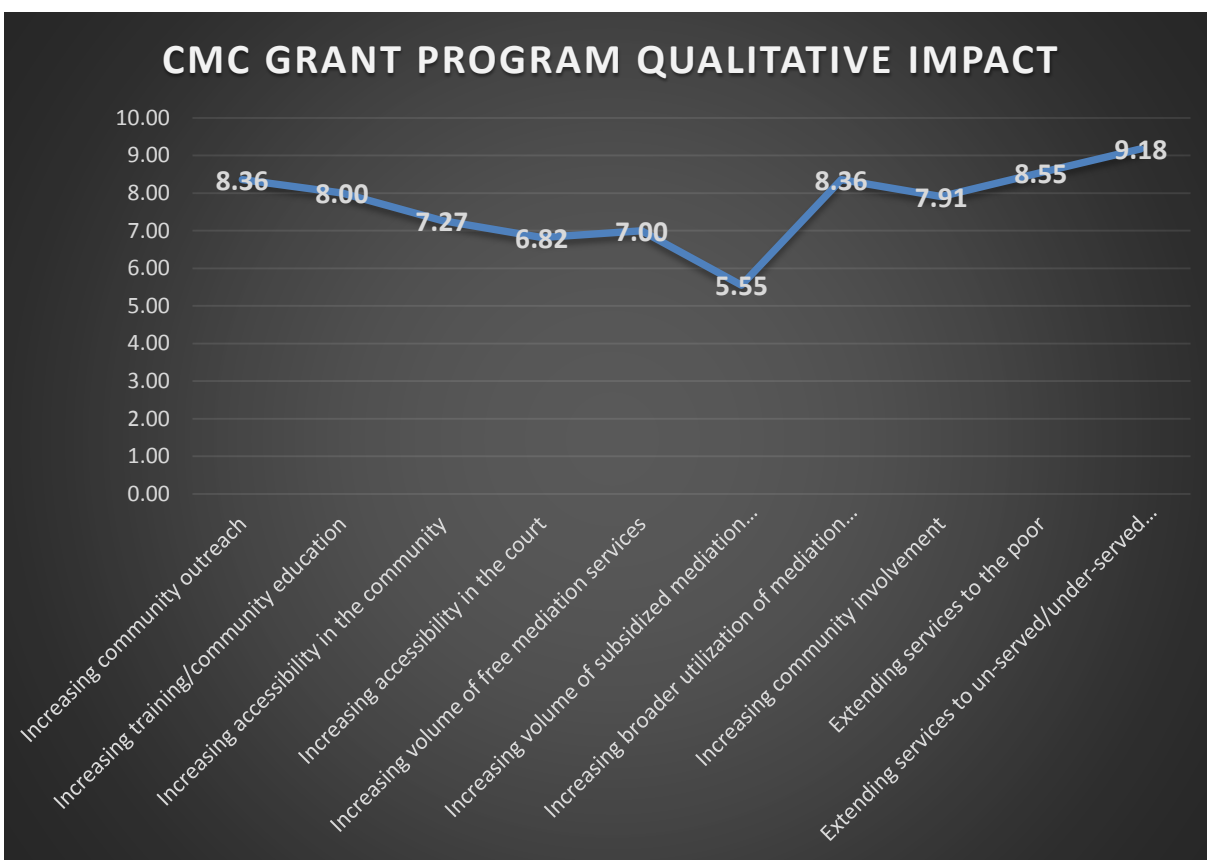


Figure 24: CMC Grant Program Qualitative Impact

The qualitative impact of extending services to unserved/underserved populations also indicates community mediation’s ability to increase access to justice. Increasing community outreach and broader utilization of community mediation were the next highest rated qualitative impacts at 8.36. These impacts are in line with the goal to increase utilization of community mediation in the community, which often demands more outreach.

Centers also rated the achievement of training and community education (8) higher in the list of impacts. Community education is often used to increase outreach and utilization of community mediation. Increased training and education also helped the centers increase their roster of volunteer mediators by about 100 new mediators. Notably, community mediation training has proved to be the backbone of all volunteer and private mediation services nationally.

Increasing community involvement (rated 7.91) is another core value defined in the Twelve Point Model. The model instructs community mediation centers to be governed by community members through board membership. Increasing accessibility in the community was also rated highly (7.27) as was the increase in free mediation services. Center grantees also rated increased mediation accessibility at court as a community mediation impact. Broadly speaking, the qualitative impact of Massachusetts community mediation can be categorized as follows:

- Increasing access to free/low-cost mediation services
- Addressing diverse disputes
- Diversity of mediators, board, clients and services to diverse income groups
- Community awareness and involvement
- Financial independence
- Mediator excellence

The following Figure 25: Qualitative Indicators illustrates the results of the qualitative assessment under the aforementioned indicators and shows the independence as well as interdependence of these various achievements.

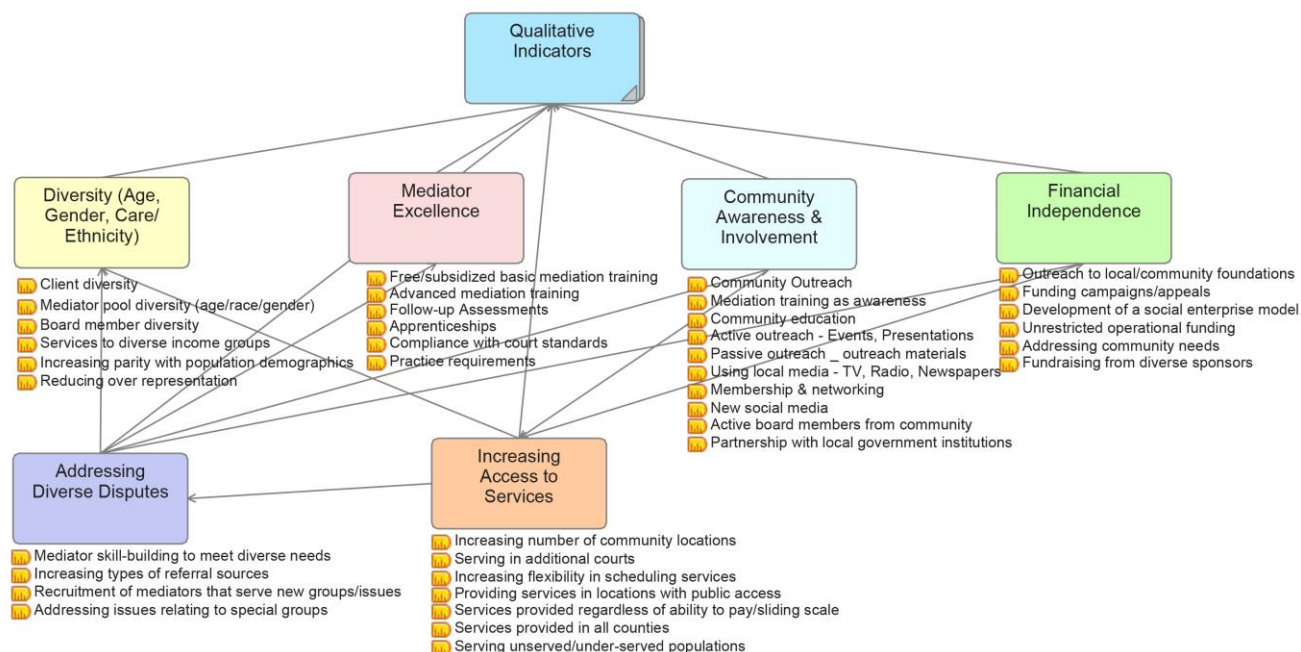


Figure 25: Qualitative Indicators

As mentioned before, the long-term purpose of the Community Mediation Center Grant Program is to promote broader utilization of free or low-cost mediation services by unserved or underserved populations in the Commonwealth of Massachusetts. All the above qualitative indicators serve to promote this overall goal of access to justice.

Increasing Accessibility

The notion of promoting the broad use of community mediation involves both providing opportunities to use community mediation and the realization of those opportunities through actual use of services. In Massachusetts, opportunities for obtaining dispute resolution services arise, to an important extent, from the availability of mediation services provided by an infrastructure of community mediation centers. The number of functioning centers, regions served, and conformity to a model of community mediation excellence constitute one set of measures for assessing the opportunity dimension of access to dispute resolution. When use is made of available community mediation services, the opportunity for dispute resolution is realized, and another set of measures, such as frequency of use and the breadth of the population served, come into play to appraise the state of dispute resolution access.

Fifteen functioning community mediation centers make mediation services available to Massachusetts residents: Buffeted by the economic downturn of the 2000s and the 2009 withdrawal of court funding, community mediation centers in Massachusetts found themselves on precarious financial footing. Once the Community Mediation Center Grant Program was established, 15 centers throughout the Commonwealth applied for and received grants to defray their operating and other expenses.

As the first grant year, Fiscal Year 2013, drew to a close, the 15 centers that were awarded program grants exhibited renewed viability as mediation service providers, furnishing their communities with access to dispute resolution.

Community mediation centers provide mediation services in all fourteen Massachusetts counties: Sustained functioning of the grantee centers enabled statewide access to their dispute resolution services. As court-approved alternative dispute resolution programs for between one and twenty-one courts, these funded centers were able to provide dispute resolution services to the populations of the cities, towns, districts, and other areas in the counties served by the courts, in a total of 14 counties.

Mediation services were furnished by centers to parties in court cases at relevant court sites. Furthermore, parties, whether involved in court-connected or non-court connected disputes, were assured access to mediation services by centers' policy of accommodating parties' scheduling needs where appropriate. For example, CCDRC conducted mediation sessions at the residence of parties in wheel chairs and scheduled sessions after school hours to accommodate school employees. At all the centers, sessions could be conducted at center offices, which

tended to be centrally located and/or accessible to parking or public transportation. Thus, the MCC Law Center utilized space at Middlesex Community College on Saturdays to circumvent the two-hour time limit imposed on mediation sessions by the Lowell District Court.

In order to maximize scheduling flexibility, many centers relied on alternative locations and after-business hours. Mediation sessions could be scheduled at North Essex Mediators (NEM) between 8 a.m. and 11 p.m., Monday through Saturday. CDSC used community sites on an as-needed basis, including spaces provided by community organizations, park field houses, public housing community rooms, and public schools. Faced with the challenge of covering a considerable geographical area, MSNCM used two office sites and twelve satellite locations, including senior centers, housing authority complexes, libraries, and town halls; and BCRHA turned to technology to connect with households throughout Berkshire County, especially impoverished rural households, by providing web-based information from the agency webpage and offering toll-free numbers and Skype access. MMS routinely inquired into party scheduling preferences during intake, enabling scheduling accommodations for 96% of mediations. According to Quabbin Mediation (QM), the choice of mediation locations it offered was sufficient so that no mediations fell through because of site inconvenience.

Reliable operational funding helped advance the quality of available mediation services by enabling centers to improve their compliance with a model for community mediation excellence, the Twelve Point Model: The Community Mediation Center Grant Program's contribution to greater stabilization in funding enabled many centers to make progress on their compliance with various criteria of the Twelve Point Model, a model for community mediation excellence.

Using volunteer community mediators: For example, the Twelve Point Model advises that trained volunteers be used for the delivery of mediation services in an effort to embed dispute resolution within the community. Accordingly, BCRHA reduced its prior reliance on staff mediators and revived the volunteering component of its mediation service. BCRHA used CMC Grant Program grant funds (along with Attorney General Office funding) to maintain its caseload while it laid the groundwork for future growth by recruiting additional volunteer mediators – increasing its active roster from five to nine – and by refocusing the duties of the Mediation Coordinator from mediation practice to supervision and evaluation of mediators. CMC Grant Program grant money was an important factor in NSCMC's decision to forego entry into a competitive business mediation market as a way to eliminate budget deficits in favor of renewing its commitment to community mediation.

Broadening Mediated Dispute Types

Accommodating community needs by offering mediation for a wide array of disputes is also recommended by the Twelve Point Model. CCDRC restored the salaries of two key employees with its grant monies, which provided the center with sufficient human resources to respond to

the needs of its community and initiate a new elder mediation program. As a result of increased staff and staff hours funded with its CMC Grant Program grant, FSCM generated proposals for additional mediation programs – to address foreclosure mediation in Worcester, to mediate modification cases, pretrial divorce cases, and 209C cases at the Worcester Probate Court, and family with children cases at the Worcester Juvenile Court. MWMS used grant money to restore a prior 20% cut in staff salaries and hours enabling its Executive Director to focus on the court re-approval process at MetroWest District Courts, Middlesex Probate & Family Court, and Juvenile Court. Increased staff and coordinator hours, supported by the CMC Grant Program grant, allowed the MCC Law Center to diversify its cases by launching a Summary Process Mediation program. Both FSCM and MVCDR found that their staffing changes led to more efficient intake procedures and mediation scheduling. As the FSCM director observed, timely scheduling of mediations has the potential to prevent further escalation of conflict.

Broadening Community Outreach

Community outreach is urged upon centers by the Twelve Point Model as important, not only to increase awareness of the availability of mediation, but also to generate referrals that connect disputants with conflict resolution providers. Accordingly, DRS found that the relief from the funding uncertainties of previous years provided by the CMC Grant Program grant enabled it to expand its outreach efforts to additional community organizations like Neighborhood Councils and the Salvation Army. CMC Grant Program grant money enabled MSNCM to focus on creating a cohesive marketing and outreach plan. Prior funding cuts led MMS to limit its outreach and education initiatives with community organizations and concentrate on working with the courts. With support from the CMC Grant Program grant, MMS increased its efforts at outreach and education to the public as well as to community organizations that serve lower-income or Spanish-speaking residents of the Boston area, which led, in turn, to additional community referrals and mediations. Similarly, increased staff hours at MCC Law Center facilitated an increase in community education and outreach activities, from nine activities in 2012 to twenty-four in 2013.

Creating a statewide network to advance access to and use of dispute resolution: The connections formed between the centers and other organizations created an informal fledgling network of potential community mediation supporters. At the core of this network are the bonds uniting the community mediation centers themselves, bonds that were forged in the crucible of looming financial disaster and produced the centers' alliance in the Community Mediation Coalition of Massachusetts (CMCM). The union of these centers was subsequently reinforced by their participation in the Community Mediation Center Grant Program. For QM, the regular CMC Grant Program meetings have "created a sense of a common state-wide mission. There is a kind of support that comes from working with others who are doing the same work in other communities." In addition, concrete assistance was exchanged between centers. MSNCM relied on CMCM members to navigate the challenge of staff changes and

agency issues. CDSC provided advanced divorce mediation training to MWMS mediators. MMS's consultation with three other community mediation centers led to an informal process to address diversity interests by sharing mediators. BCRHA contacted TMTC, among other centers, for referrals to recruit volunteer mediators.

The establishment of a state-wide community mediation network remains a work in progress. Centers continued to work on strengthening their compliance with the Twelve Point Model criteria relating to diversity – of mediators, dispute types, referral sources, and clients; to the cost of services, and to governance, among others. In all, among the 15 community mediation center grantees, 12 (80%) demonstrated substantial to satisfactory progress under at least half of the criteria of the Twelve Point Model, and three (20%) manifested minor progress.

Access to Community-Based Conflict Resolution Services

Heightened public awareness of the availability of community mediation services facilitates broader access to dispute resolution inasmuch as it increases the probability that the demand for such services will grow, and this growth in demand promotes an expansion in the supply of mediation services. To this end, center grantees engaged in a host of outreach initiatives to raise the profile of community mediation and dispute resolution techniques in the communities they serve. They heightened the visibility and utilization of community mediation and dispute resolution services by supplementing their training and educational activities with communications about dispute resolution, participation in community events, and networking with other organizations to obtain support and referrals. These outreach activities are so numerous that only a limited number can be mentioned.

Raising community awareness of conflict resolution and community mediation through in-person communications in presentations and workshops: Center grantees disseminated information about conflict resolution through such in-person communications as presentations and workshops. Highlights of these activities include: FSCM offered a workshop to Worcester's elder housing and presentations to community organizations, including Worcester public schools, two apartment complexes, a counseling agency, and public elder housing. MMS's presentations to two community health organizations, two housing authorities, and two social service organizations in lower income Boston neighborhoods cemented relations between the center and the community organizations. At least 15 organizations, particularly children's centers, schools, seniors, homeless shelters, and cultural centers, benefited from MSNCM's presentations and workshops, with children, college students, mentally-challenged adults, seniors, homeless individuals, and families receiving services and conflict resolution education. MVCDR hosted a workshop on landlord-tenant law. TMTC included court personnel in its outreach activities, holding four information sessions for staff at three courts. MWMS made presentations about its elder care program and about conflict resolution to a church and an

after-school program, respectively. NEM supplied presentations to area schools and other organizations for free.

Raising community awareness of conflict resolution and community mediation through participation in community events and conferences: Other in-person communications occurred in the context of community events and professional forums and conferences. BCRHA participated in four forums devoted to immigrants, rental housing, community resources, and neighborhoods and attended monthly meetings at the county prison about reintegration. CDSC's booth at an Elders Fair was visited by 300 senior citizens; GBCDR had a presence at Night Out Against Crime sponsored by the US Postal Service and National Consumer Protection Week sponsored by the AGO. MWMS attended the Massachusetts Council on Family Mediation annual conference. NSCMC participated in Salem State University's event, Salem as a Safer Child Community and in Essex County Community Foundations' Youth at Risk Conference.

Several center grantees sponsored events to draw attention to conflict resolution. CDSC held a fund-raising event that honored two community peacemakers and raised \$38,000. MCC Law Center sponsored a Peer Mediation Day at a high school to promote peer mediation and held an April appreciation event, honoring individual contributions to the operation of the center.

Raising community awareness of conflict resolution and community mediation by disseminating printed and non-printed material: Center grantees turned to printed forms of communication too. They uniformly engaged in distributing informational materials at a number of venues – libraries, police stations, courts, town halls, businesses, community centers, community organizations, community events, conferences, etc. Examples include TMTC's thrice yearly submission of promotional materials to colleges, universities, bar associations, and community organizations; GBCDR's mailings to Veteran Services' Officers in its area; MCC Law Center's translation of its marketing materials into Khmer, to mention a few.

Several centers tracked the recipients of its literature. For example, 2,500 information brochures were distributed by MMS to libraries, community centers, and businesses. MWMS sent 125 appeal letters accompanied by informational materials to individuals and 35 pamphlets about the center's work on landlord-tenant issues at bar association meetings. NSCMC distributed its fliers about the use of mediation for families in conflict to therapists and religious leaders. MSNCM conducted a "Promoting Peaceful Solution for Schools" campaign, sending literature to all high schools in area, which resulted in a workshop for over 40 student leaders.

A popular vehicle of information dissemination was the newsletter. CCDRC published a monthly newsletter; CDSC distributed two monthly newsletters; over 100 individuals received MWMS's newsletter; NSCMC distributed its newsletter to more than 600 recipients and increased its newsletter email list to include all attendees at the Essex County Community Foundations'

Youth at Risk Conference; 500 individuals received a quarterly newsletter from TMTC; and NSCM published a quarterly newsletter.

Some centers reinforced their message with items besides the printed page. CDSC engaged in a t-shirt campaign based on a “Got conflict” slogan. The MCC Law Center added t-shirts and lanyards to the mugs and pens it used as promotional items.

Using new media to raise awareness of conflict resolution and community mediation:

Technology has been a boon to center grantees’ outreach efforts. Nearly all centers have a web presence – NEM is in the midst of developing a web page; CDSC experienced an increase in website activity, averaging three-four weekly requests to be on its mailing list; MMS’s web-site had 4,065 visitors this past year; BCRHA used toll-free numbers, Skype, and the web to connect with distant or low-income households; CCDRC posted announcements through Constant Contact. A few centers ventured into social media – CCDRC reported a 50% increase in “likes” on Facebook; CDSC launched a Facebook page; MCC Law Center created a Pinterest page; NSCMC used both Facebook and Twitter.

Traditional media was not ignored by centers. BCRHA personnel appeared on a local radio show; CDSC posted messages on local radio and cable television shows; MWMS sent press releases about low cost mediation services for divorce issues to local news outfits. And the work of MWMS and CDSC was featured in the print media.

Networking to spread the word about conflict resolution: Finally, center grantees engaged in extensive networking with community organizations, government entities, businesses, professional organizations, among others to spread the word about community mediation and conflict resolution as well as to gain support, both financial and otherwise (e.g., in-kind donations, space), and obtain referrals. According the center grantees, all were involved with the courts, all had relationships with some other government entity, at least 14 had connections with the AGO, five with bar associations, four with chambers of commerce, seven with housing authorities, six with police, ten with schools, and nearly all had contacts with some community organizations. More specific examples of center-organization relations include relations cultivated by MVCDR with Martha’s Vineyard Community Services, Women Empowered of MV, MV Donors Collaborative, and MV Chamber of Commerce; by MWMS with Juvenile Court, the police Violence Prevention Roundtable, the Lone Rangers group of MetroWest Non-Profit Network; by DRS with four neighborhood councils; and by NSCMC with Salem and Beverly police, Salem Mayor’s office, Essex County DA’s Juvenile Justice staff, judges in Lynn and Salem Juvenile Court, the Beverly Resource Group, and the Beverly Community Council.

Serving Diverse Populations

Community mediation centers provided mediation services to a diverse population: Actual utilization of mediation services is an authentic test of initiatives to promote the use of community mediation. Direct evidence for the value of efforts to promote the broad use of community mediation, then, is partly furnished by the fruits of these efforts, namely, the frequency of mediation service utilization and the number and diversity of mediation recipients.

Based on the number of mediations conducted this past fiscal year, 7,813 individuals throughout the commonwealth, representing a broad spectrum of Massachusetts' citizenry, received mediation services from the community mediation center grantees. Centers acknowledged that, despite the absence of court funding, court-connected cases formed the major portion of the disputes that came to their attention. In view of the courts' combined geographical coverage, it is highly probable that the breadth of the population served by the center grantees encompassed the entire state, and that the centers' caseload reflected the variety of the people engaged in litigation. The demographic profile of the population served by the two centers that collected such information is instructive. MWMS's client population consisted of 59% male, 41% female, 80% white, 7% black, 5% Hispanic, 3% Asian, and 6% other (mostly Brazilian), 20% persons of color, and 20% over 60 years of age. The racial/ethnic composition of TMTC clients across three counties comprised 84% white, 3% Latino, 4% black, 2% Native American, 2% Asian, 5% other in Franklin County; 80% white, 9% Latino, 4% black, 2% Native American, 1% Asian, and 4% other in Hampshire County; and 33% white, 52% Latino, 10% black, and 5% other in Holyoke (Hampden County).

Free and Affordable Services

Grantee centers' strong commitment to affordable mediation services put such services within the reach of individuals with low to moderate incomes. GBCDR, DRS, and MCC Law Center continued to provide their mediation services free of charge to all. Other centers offered most of their services pro bono and charged parties in other cases either sliding scale fees or nominal fees with fee waivers or discounts available. Thus, besides court cases for which fees could not be charged, FSCM supplied free mediation services to parties on public assistance or with incomes under \$10,000 and charged sliding fees for the rest. MSNCM did not impose fees in cases referred by other agencies, like the police, housing authorities, or veteran centers but did charge nominal fees for self-referred family cases with fee waivers available. MWMS provided services gratis to cases referred by agencies serving the disadvantaged and to cases in a mediation program dealing with parenting issues of estranged parents, with other divorce cases subject to sliding scale fees and information about the availability of waiver or fee reduction given to parties. TMTC offered their services free of charge to 576 individuals and at sliding scale rates to 126 individuals. At MMS, 99% of mediation services were offered for free, and its recently developed sliding scale charges were limited to mediations involving municipalities,

businesses, or comparably affluent clients. MWMS, NSCMC, and QM were confident that no one was turned away due to inability to pay.

In community mediation, the drive for widespread appeal co-exists with a focus on the underserved or financially distressed. BCRHA, for example, served 99% of all candidate households regardless of socio-economic status, yet 77% of its cases were low income or from underserved groups. On the whole, centers' service fee policies, in tandem with their outreach and public education initiatives, attracted parties with incomes that ranged from below \$10,000 to over \$65,000, with the major portion of their clientele from low income or underserved populations. Accordingly, in the Parent Mediation Program (PMP), in which seven center grantees provided free mediation services to estranged parents involved in disputes over custody, access, parenting time, or visitation, 61% of participants had annual incomes at or below \$29,000, and 16% had incomes equal to or exceeding \$50,000. With respect to individual center practices, at MWMS, most parties had low or moderate incomes, with 34% at 187% of the federal poverty line for a family of four; 49% of disputants at CDSC earned less than \$25,000 annually; and nearly 70% of TMTC clients had incomes at or below 200% of the federal poverty line.

Centers undertook additional outreach initiatives to draw in segments of the population whose needs for conflict resolution services tended to be overlooked. Several centers targeted youth needs. School conflicts were addressed through peer mediation programs run by MMS, MCC Law Center, MSNCM, and TMTC. MMS also worked with high risk, runaway, and homeless youth in Greater Boston as the lead agency on a three-year US Department of Health & Human Services grant. CDSC provided mediation services to non-traditional high school students, urban youth interested in the law, adjudicated youth, at-risk urban youth, and worked with Street workers in Boston to reduce gang violence. DRS developed a program to mediate gang conflict, which awaits state funding and adoption by the county sheriff's department. In addition, centers were increasingly attentive to those at the opposite end of the age spectrum – the elderly. As a result of its assessment of the needs of Cape Cod communities, CCDRC decided to focus on the needs of its elder population and initiated an Elder Mediation program to provide mediation services to senior citizens involved in disputes and to families confronted by elder care issues. CDSC was instrumental in providing senior citizens with access to mediation services by providing mediation training to staff at agencies that serve the elderly. MVCDR developed a proposal to increase senior citizen access to mediation services through training mediation practitioners in the special circumstances of the elderly and elder care professionals in conflict management, to be partially funded by a CMC Grant Program Community Project Challenge Grants. MWMS offered fee reductions to participants in elder care and successfully mediated two multi-party elder care disputes.

Building Social Capacity for Conflict Resolution

Community mediation embraces ambitions that go beyond the resolution of individual conflicts. It aspires to broaden the particularized conflict reduction impact of mediation through practices that have the potential to increase community involvement with conflict resolution and build social capacity for conflict resolution.¹⁸ Center grantees, by virtue of their endeavors to satisfy the standards of the Twelve Point Model regarding the deployment of trained community volunteers as mediators and undertaking initiatives to educate the community and expand public awareness of conflict resolution strategies and community mediation, set up conditions under which increasing numbers of community members are exposed to community mediation and conflict management strategies. Every individual subjected to intake and mediation, each person trained in mediation skills or informed about dispute resolution adds another instance of knowledge that raises the community's awareness of community mediation and its dispute resolution services.

Increasing conflict resolution skills in the community

In pursuit of the above goal, center grantees engaged in educational ventures, such as mediation skills trainings and conflict management education that targeted the general public as well as various segments of the population in order to generate an ever-expanding awareness of, and skill acquisition in, conflict management.¹⁹

The conflict resolution skills in the community are increased through mediation skills training:

The trainings offered by the centers proved to be multi-purpose. In addition to advancing conflict resolution skills of community members, centers were able to recruit new volunteer mediators who contributed to the diversity of mediator rosters along a number of dimensions. For instance, in Fiscal Year 2013, BCRHA added six new volunteer mediators from varied socio-economic backgrounds and work history. Fifty-three individuals participated in MMS' mediator training, 21 of whom proceeded to six-month mentored mediation, with five (25%) identified as African-American; six (31%) as Spanish-speaking, and five with skills in other languages (Portuguese-speaking, French, Cantonese, and German). MMS's current roster of 53 mediators can be described as 31% racially/ethnically diverse, with 20% foreign language speakers, and 9% lower income individuals. DRS certified 12 new mediators. At QM, many of the 13 new mediators it trained – evenly divided by gender and from low to moderate economic status – are expected to volunteer their services at the center. In response to the growth in the Spanish-speaking demographic in their respective regions, QM and DRS are in the process of recruiting bilingual mediators. DRS consulted with the state representative for Springfield and with Springfield neighborhood councils to find bilingual individuals to recruit as mediators.

¹⁸ See Shonholtz, R. (2000). Community mediation centers: Renewing the civic mission for the twenty-first century. *Mediation Quarterly*, 17:4, 331-338; also see Wilkinson, 2001 and Hedeem & Coy, 2000.

¹⁹ This account of center grantees' educational activities is illustrative and not exhaustive.

The community's capacity to resolve conflict increases as conflict resolution training is provided to various segments of the population: The centers made additional progress on increasing the number and diversity of the volunteers mediating for them and of the community groups exposed to conflict management strategies by holding trainings that appealed to different groups. Such progress held out the promise of attracting an ever larger and increasingly diverse group of community mediation users. CDSC's Domestic Workers Project is one example of the responsiveness of center grantees to the conflict resolution needs of underserved populations. In partnership with the Brazilian Immigrant Center and funded by JAMS, domestic workers such as nannies, housekeepers, and personal care attendants – most bilingual in Spanish, Portuguese, and Haitian Creole – received conflict resolution training from CDSC. Seven graduate trainees were mentored to become assistant trainers and coaches in 2013. Participation in the training was made more feasible when simultaneous translation and free on-site child care were offered to trainees in 2013, and in March, an additional eleven workers and three employers were trained, for a total of 36 individuals trained through the project.

Numerous initiatives were undertaken by center grantees to enlarge the conflict resolution capacity of community members. Thus, 28 community members completed TMTC's 30-hour basic mediation training. MCC Law Center translated its materials into Khmer and provided training to two Khmer-speaking Cambodian peer mediators. MMS's focus on conflict resolution among young people, involved a nine-hour training in conflict resolution techniques for 25 middle school students through the South Boston Health Center and peer mediation training to 15 high school students, 96% of whom were African-American/Hispanic, 44% Spanish-speaking, and 72% low income. BCRHA offered three trainings, which incorporated interest-based negotiation and other types of communication involving land-tenant, consumer protection, and dealt with populations such as prisoners, seniors, teens, and tenants. Housing staff at the North Shore Community Action Program received conflict resolution training from MWMS. NSCMC provided specialized training to the North Shore Community Action Program, Beverly Bootstraps, and to residential staff at Salem State University. CCDRC presented a two-day training on non-violent communication, a three-day training in elder mediation, a day training on conflict resolution attended by 20 parishioners at a local church, and a half-day training for elder care professionals on managing conflict. FSCM's 35-hour basic mediation training attracted participants from public schools, counselors, and FSCM staff. In addition, training workshops were provided by FSCM to public school guidance and adjustment counselors. QM offered a program, Training Active Bystanders, to teach students and teachers intervention strategies for negative situations. MSNCM supplied presentations and workshops to a minimum of 15 organizations, particularly children's centers, schools, seniors, homeless shelters, and cultural centers, providing conflict resolution services and education to children, college students, mentally challenged adults, seniors, homeless individuals, and families. CDSC provided 36 trainings in mediation and conflict management skills to 663 participants. Besides

CDSC's two 33-hour mediator trainings that were open to the public, the center conducted customized trainings for 28 community groups (a 50% increase over the previous year), which mostly addressed skill development in handling conflict using conflict scenarios tailored to each group and dealt with issues involving youth, youth violence, public housing, landlord-tenant disputes, elders, single mothers, young men of color, domestic workers, low income families/new homeowners. All told, 41 new mediators joined CDSC's roster.

A number of center grantees further enhanced the attractiveness of their trainings by making them financially feasible for participants. MCC Law Center's Accelerated Mediation Training was underwritten by the center and was free for trainees. MSNCM charged a nominal fee for its 36-hour mediation training. NEM reduced its training fees for participants who became center mediators. Three of the seven new apprentices who joined NSCMC's apprenticeship program achieved mediator status, and a young bilingual male received a fall internship and scholarship. FSCM offered its 35-hour Basic Mediation Training for \$100 instead of \$500 if the individual committed to mediating monthly for the center, and it awarded a \$1,500 scholarship to four public school adjustment counselors, resulting in five new volunteers, including a psychologist, an FSCM Human Resources Director, and a French-speaking woman of color. CDSC combined reduced training fees (from \$675 to \$100) and an extensive advertising campaign about training opportunities (posting information on list-serves, public access television, and websites of the center, United Way, and SOAR) to acquire eight new volunteer mediators, who enhanced the heterogeneity of the center's roster of mediators with the variety of their backgrounds (a lawyer, a law student, an Olympic athlete, etc.), their ages (two were in their 30s and 40s), gender (25% were male), and minority status (one was a person of color). TMTC reached out to area colleges, offering training scholarships to young or bilingual individuals in exchange for one to three half-days of mediation service per month. Out of 20 basic mediation trainees, three were under 30, and one young bilingual trainee became a volunteer mediator for TMTC.

Community Governance

Improving governance to promote community connections and support for community mediation: At least 11 of the center grantees embarked upon changes in governance to facilitate connecting with community members and garner greater support for their operations. New members were added to increase the breadth of skill and experience on center boards. Thus, two new members, both Spanish-speaking and one formerly homeless, await confirmation to the BCRHA board. MMS added two Spanish-speaking and one Portuguese and French-speaking Advisory Board members. CDSC acquired new board members with event planning and marketing expertise. Two board members, one with marketing experience and another with non-profit board experience, were added to NSCMC's board. The diversity of MVCDR's board increased as three new minority members (American Indian, African American, and Portuguese American) joined. Governing structures were adjusted to increase effectiveness

at three centers: CCDRC formed an Advisory Committee, with a Cape-wide membership, to assist with implementing elder mediation; FSCM's new Mediation Advisory Committee now has members representing an array of community-based organizations (the Worcester Bar Association, Social Services, Worcester public schools, a local law firm, and FSCM officials); a fund-raising committee was formed by MWMS, which added \$8,600 to the center's coffers; and a panel of senior mediators was set up by NEM to help with projects.

New Mediation Projects

In Fiscal Year 2013, groundwork was established to expand into community project grants under the Community Mediation Center Grant Program in Fiscal Year 2014. Despite a reduction in funding of \$100,000, MOPC was able to identify and fund two critical areas of need that are largely unfunded. They are as follows:

1. Elder Mediation
2. Youth/Peer Mediation

Elder Mediation Justification

More people are living longer, and as old age approaches, potentially contentious issues proliferate.²⁰ Issues common to the general population – concerning family, neighbors, employment, purchases, housing, disability, and so on – are joined by issues typical of advanced years – grand-parenting rights, estate management and planning, age discrimination, guardianship, health care, advance directive decisions, etc.²¹ Lowered costs, greater flexibility in outcomes, enhanced autonomy, and relationship preservation are some of the features that have made mediation an increasingly popular method of dispute resolution for elders.

“Elder mediation may be understood as the mediation of disputes arising in the context of aging.”²² Evidence of elder mediation's effectiveness is provided by studies of elder mediation programs in the United States and abroad.²³ A four-state U.S. study (involving Ohio, Florida, Wisconsin, and Oklahoma) of the use of mediation in adult guardianship cases found a 75% settlement rate, with a higher incidence of satisfactory outcomes (according to participating

²⁰ Crampton, A. (2013). Elder mediation in theory and practice: Study results From a National Caregiver Mediation Demonstration Project, *Journal of Gerontological Social Work*. DOI:10.1080/01634372.2013.777684.

²¹ Rhudy, R. J. (2008, March). Senior mediation: Reaching the tipping point. *Maryland Bar Journal*, 41:2, 5-12.

²² Canadian Centre for Elder Law. (2012, January). *Elder and Guardianship Mediation*. Vancouver, Canada: British Columbia Law Institute, University of British Columbia, p. xiii

²³ See McCann-Beranger, J. (2010, November 30). Exploring the role of elder mediation in the prevention of elder abuse. Department of Justice, Canada. Retrieved November 20, 2013, from <http://www.justice.gc.ca/eng/pi/fv-vf/rep-rap/elder-aines/mp-pm/p6.html>

seniors, family members, and program administrators) such as limited guardianships, less restrictive guardianship alternatives, and fewer guardianships over all. An Alaska study of the state's court adult guardianship/conservatorship mediation program revealed that mediation was used progressively more often as an alternative to contested court proceedings, that some or all issues were resolved in 87% of mediated cases; and that 95% of mediation outcomes involved plans to improve the care and safety of high risk adults.

The impact of elder mediation on health care has also been the subject of research. Reductions in emergency room visits and acute care admissions and in long-term care admissions of individuals with dementia were attributed to the use of elder mediation in an Ontario, Canada program that helped families with respite needs. Qualitative research, conducted in Atlantic Canada, into the experiences of individuals in the social network of older adults with memory impairment or progressive dementia indicated that "participants reported feeling safe, validated and respected in the elder mediation process, and parents talked about being able to speak with their adult children in new ways. *** It was reported that elder mediation helped to alleviate the tensions brought on by the family circumstances."²⁴

Elder mediation has developed into a mediation specialty predominantly in response to the prevalence of complexities likely to arise in disputes involving elders – such as multiple parties (likely involving, for example, seniors, family members, caregivers, agency and legal representatives, etc.), the possibility of underlying abuse or neglect, the presence of legal and/or medical consequences, questions of competency – rather than the age per se of the population served.²⁵ Programs for service delivery and mediator training have to be designed, implemented, and monitored to assure the requisite level of expertise demanded by disputes involving the elderly.

Youth/Peer Mediation Justification

Conflict presents as much of a challenge for children as for adults, and learning how to respond to conflict is an important part of growing up.²⁶ Relationships can be damaged, learning disrupted, and violence triggered when conflict is mismanaged.²⁷ Recent statistics concerning

²⁴ *Ibid.*, p. 28.

²⁵ McCann-Beranger, *op. cit.*

²⁶ "Confrontations are common in adolescence as youth struggle to establish individuality, gain the respect of their peers, and take on the roles of an adult." (Kellermann, A. L., Fuqua-Whitley, D. S., Rivara, F. P., Mercy, J. (1998, May). Preventing youth violence: What works? *Annual Review of Public Health*, 19, 271-292. Retrieved April 8, 2013, from <http://www.annualreviews.org/doi/full/10.1146/annurev.publhealth.19.1.271>)

²⁷ Horowitz, S. V. & Boardman, S. K. (1995, May). The role of mediation and conflict resolution in creating safe learning environments. *Thresholds in Education*. 43-50. Retrieved from <http://m.cedu.niu.edu/lep/foundations/thresholds/journal/1995.Volume.XXI/Issue.2/43.The.Role.of.Mediation.and.Conflict.Resolution.pdf>

youth violence reveal that at least one violent incident was reported to police during the 2009-2010 school year by approximately 40% of public schools, and that, in 2011, 12% of high school students were involved in physical fighting at school, nearly 6% stayed home from school at least one day during the previous month because of safety concerns, and 20% were bullied at school while 16% faced cyber bullying.²⁸ The lives of children and young people can be made safer.

Youthful aggression and anti-social behaviors may be significantly reduced through interventions that undertake a positive youth development approach to violence prevention, which is to say, that reinforce the strengths of youngsters.²⁹ A meta-analysis of 249 experimental and quasi-experimental studies of school-based violence prevention programs – where the most frequent treatments involved cognitively-oriented strategies (e.g., problem-solving, anger management, changed thinking patterns), social skills training (communication skills, conflict management), or, less commonly, behavioral strategies (rewards and incentives) typically delivered to an entire class or to selected students – demonstrated that these interventions produced a significant decrease in aggressive or disruptive behaviors.³⁰ Programs that included behavioral strategies proved the most effective. The research finding of a mean effect size of 0.21 ($p < 0.05$) represents a 25% reduction in such negative behavior.

A similar reduction in student anti-social behavior was found for particular interventions aiming to enhance students' conflict resolution skills through direct skills instruction, peer mediation, or embedded curriculum. The statistically significant overall mean effect size of 0.26 ($p < 0.01$) found in a meta-analysis of 36 experimental studies of such conflict resolution programs – 17 of which involved peer mediation and 16 employed direct instruction – represents almost one-third fewer student fights.³¹

Both the above meta-analyses revealed that positive intervention outcomes were diminished when programs were poorly implemented. In order to optimize preventative effects, measures should be adopted to assure compliance with program protocols. “Plausible tools to support implementation fidelity include a clearly articulated program manual, consistent training of service providers, and systematic monitoring” of the program.³²

²⁸ Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. (2012). Youth violence: Facts at a glance. Retrieved July 25, 2013, from www.cdc.gov/violenceprevention.

²⁹ Find.Youth.Info.gov. (2012, April 24). Positive youth development. Retrieved November 19, 2013, from <http://findyouthinfo.gov/youth-topics/positive-youth-development>

³⁰ Wilson, S. J. & Lipsey, M. W. (2007, August). School-based interventions for aggressive and disruptive behavior: Update of a meta-analysis. *American Journal of Preventive Medicine*. 130-143.

³¹ Garrard, W. M. & Lipsey, M. W. (2007, Fall). Conflict resolution education and antisocial behavior in U.S. schools: A meta-analysis. *Conflict Resolution Quarterly*, 25:1, 9-38, DOI:10.1002/crq.

³² *Ibid.*, p. 28.

Implementation of Community Projects to date

In Fiscal Year 2013, Cape Cod Dispute Resolution Center (CCDRC) launched its pilot Elder Mediation project. This is a prime example of the intricacies involved in marshaling all the aforementioned recruiting, training, outreach, educational, networking, and governance activities required to tap into the resources needed to initiate an effective dispute resolution program. CCDRC assessed the needs of the Cape Cod community and decided to attend to the needs of the Cape's large elderly population. The center partnered with REACH and Elder Services of Cape Cod for a \$3000 grant from CHNA27 and additional financing from Cape Cod Five to help fund the new Elder Mediation Program. A part-time coordinator was hired for the program. In order to raise awareness about the new elder mediation program, two directors met with Council on Aging leaders, selectmen, Elder Services of Cape Cod, elder attorneys, hospice, and shared information on a public radio program. An Advisory Committee was formed to focus on elder mediation outreach. The program's launch was celebrated with an event to which local businesses donated space, refreshments, and raffle gifts. Sixty employees of Elder Services were presented with an informational program about elder mediation. CCDRC conducted a three-day elder mediation training program for 12 volunteer mediators and a half-day training for 20 elder care professionals on managing conflict (with two more trainings scheduled). A new monthly Elder Mediation newsletter was published and distributed. So far, the program has obtained seven referrals and conducted two mediations, each reaching agreement, and received grants from community-based organizations on the Cape. CCDRC was awarded a Fiscal Year 2014 Community Project Challenge Grant of \$10,000 through the CMC Grant Program in order to promote the growth of its Elder Mediation Program for the benefit of Cape communities.

For Fiscal Year 2014, five other center grantees were awarded Community Project Challenge Grants totaling \$35,000 to support new and existing projects in their communities. MVCDR will be addressing senior citizen needs through training that meets the challenges and conflicts generated by elder care. Youth conflict will be addressed by the youth and peer mediation programs run by MSNCM, NSCMC and TMTC and by CDSC's project to train middle school students in effective conflict management.

Other Qualitative Outcomes of Community Mediation

There can be numerous possible positive outcomes of mediation that quantitative measures like agreement rates fail to capture,³³ such as improved inter-party relations³⁴ or, in the divorce

³³ It has been argued that equating mediation success with the production of agreements is too constrictive a view of the goal of community mediation: "[a]mong mediation's numerous advantages is its ability to constructively address conflicts, respect each party's perspective, empower individuals to take personal responsibility for conflicted relations, establish mutually beneficial dialogue, and reduce violence. Written settlements are often a by-product of these dynamics, but they are not in themselves a sufficient goal of community mediation" (Hedeem,

or separation context in particular, devising co-parenting arrangements. The responses of parents in MOPC’s Parent Mediation Program (PMP), collected in Fiscal Year 2013, yielded evidence that the positive impact of the services provided by center grantees on the lives of people who sought their services encompassed more than promoting agreements and extended to facilitating positive changes in troubled between-parent interactions, e.g., communication problems and difficulties with navigating contentious relationships. A majority of surveyed parents found that mediation helped them with expressing parenting expectations to the other parent (51% of 63 parents), and a plurality considered that mediation helped improve certain between-parent interactions: over 40% of 65 parents found that mediation helped to improve between-parent interactions with respect to communication (48%), conflict reduction (41%), and conflict resolution skills (41%). In addition, a majority of PMP parents (51% of 63 parents) settled on the allocation of responsibilities for their children in parenting plans.

Stabilizing MA Community Mediation Center Staffing

A significant trend observed in the Community Mediation Center Grant Program Evaluation in Fiscal Year 2013 was that overall, center human resources have increased as a result of the state operational grants. With the CMC Grant Program funding, consumer protection funding from the Massachusetts Attorney General’s Office and private foundation funding among other sources, eight grantee centers were able to appoint at least one full-time staff each (see Figure 26: Full-time Staff, below).

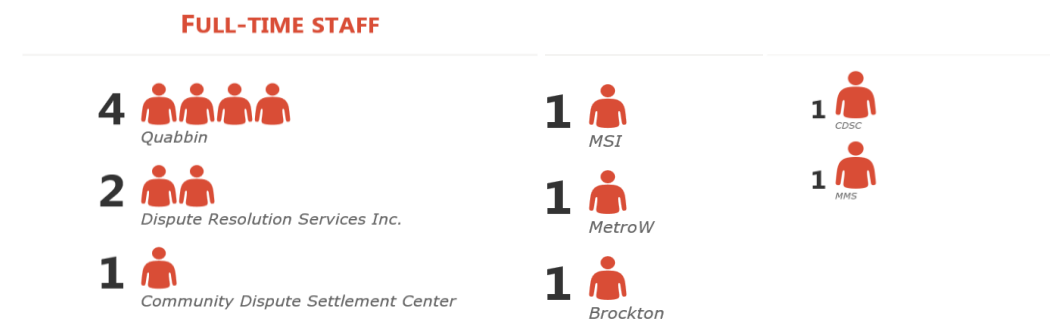


Figure 26: Full-time Staff

Yet, many others do not have a single full-time staff. Responses from the 2013 annual survey to community mediation centers are revealing in this regard:

T. & Coy, P. G. (2000). Community mediation and the court system: The ties that bind. *Mediation Quarterly*, 17:4, 351-367).

³⁴ Wissler, R.L. (1995). Mediation and adjudication in the small claims court: The effects of process and case characteristics. *Law & Society Review*, 29:2, 323-358.

Right now we have only one full-time employee, but have enough work to employ 4 workers full-time. Part-time positions without benefits are inherently unsustainable.

The funds help us support the small staff we have of one Executive Director and one part time Case Coordinator.

As a result of receiving the CMC funds, the Executive Director could spend less time supervising volunteers in court and more time addressing administrative and executive tasks such as the re-approval process for the MetroWest District Courts, the Middlesex Probate & Family Court and the Juvenile Court, outreach activities and fundraising.

In 2013 (and 2014), the CMC grant served and continues to serve as a one of only two primary funding sources for community mediation programming, which has allowed the Center to maintain a part-time coordinator for the program, and allowed for not only program expansion, but better quality control in the implementation of existing programming. The bottom line, however, is that the Berkshire County mediation program, that annually serves over 1200 households, would have a difficult time remaining viable without the CMC grant and MOPC's support.

We have been able to increase the peer mediation coordinator time at the North Central Charter Essential School and most importantly will be able to hold a mediation training for student mediators.

However, the growth in human resources was almost exclusively limited to growth in part-time staff, interns and volunteer mediators (see Figure 27: Part-time Staff Increase, below).

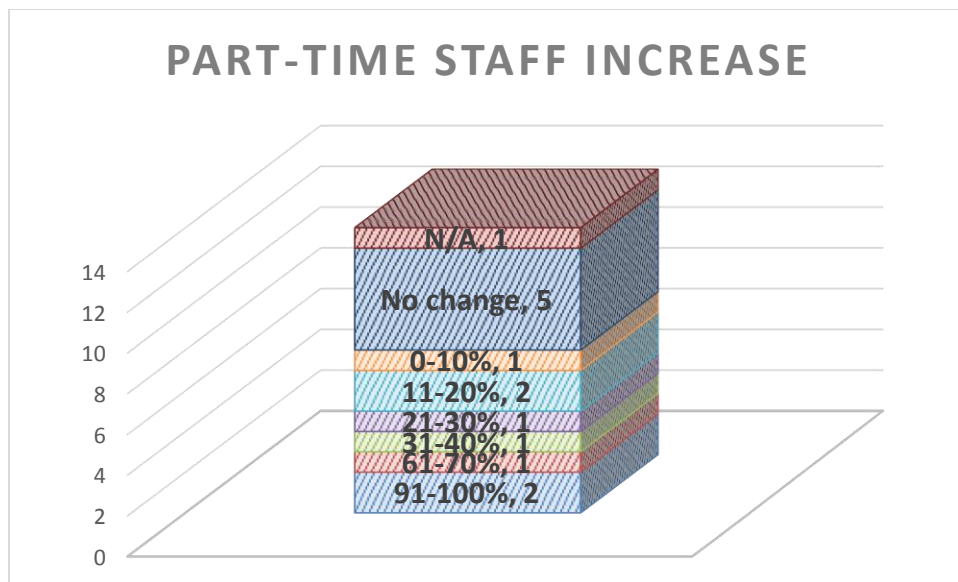


Figure 27: Part-time Staff Increase

Eight funded centers increased part time staff (some up to a 100% increase) while two reported no change. Only one center reported an increase in full-time staff by 21%-30%, which would

indicate an increase in hours, rather than new recruitment of full-time staff (see Figure 28: Increase in Full-time Staff, below).

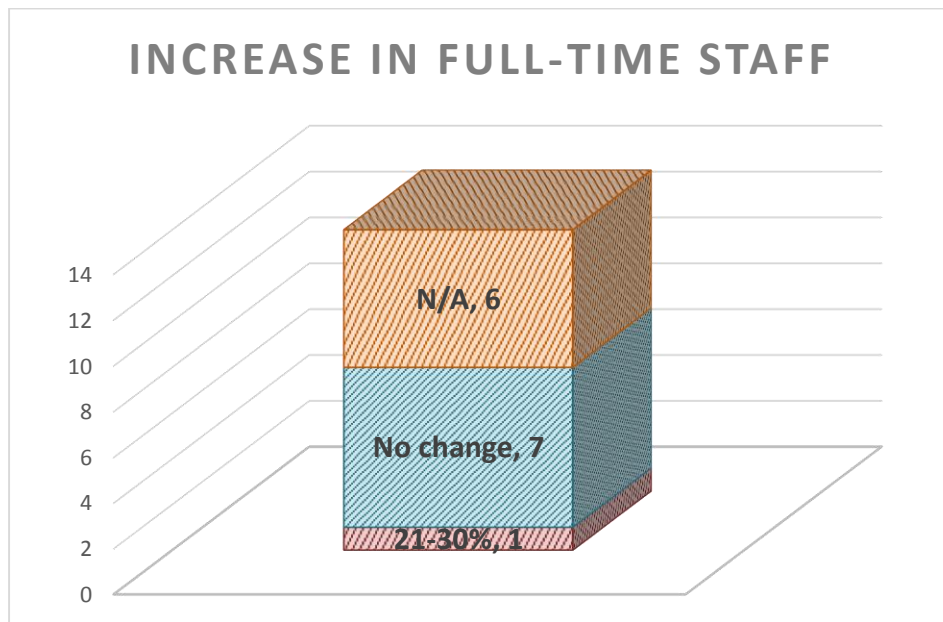


Figure 28: Increase in Full-time Staff

Seven center grantees reported no change in full-time staff size. Six centers indicated Not Applicable, possibly due to the fact that they never had full-time staff in their organization in the recent past. This would not be unusual, as many small community nonprofits have traditionally relied on part-time staff. A closer analysis of the staffing situation revealed that fourteen centers have only 12 full-time staff (see Figure 29: Number of Centers Vs. Number of Staff, below). One center did not provide staffing details.

NUMBER OF CENTERS VS. NUMBER OF STAFF

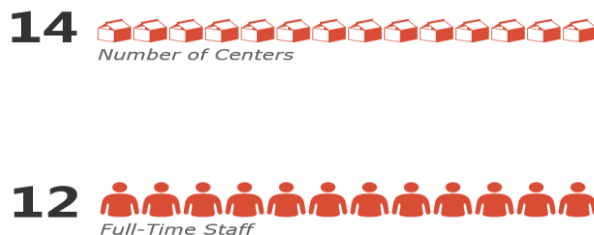


Figure 29: Number of Centers Vs. Number of Staff

Of the 12 full-time staff, six were from two of the better-funded centers. The median of full-time staff positions in Massachusetts community mediation is a paltry 0.85. In comparison, the median part-time staff employed by Massachusetts community mediation was higher at 3.3. Massachusetts community mediation staffing trends are in stark contrast to national trends. The 2013 State of Employment for Nonprofit Organizations survey conducted by Production Solutions and PS Digital, in partnership with *FundRaising Success* magazine found that 95.8% of non-profits in the United States have full-time/permanent employees.³⁵ Nationally, non-profits were hiring more staff with a median of three new positions being created per organization.³⁶ Nonprofits were also experiencing high staff turnover.

Massachusetts community mediation centers were staffed primarily by part-time staff (see Figure 30: Full-time Vs. Part-time, below). In six funded centers, even the executive director was working part-time. In another six centers, only the executive director was employed full-time. Although the bulk of the mediations were conducted by volunteers, it was also the case that the typical work of full-time staff, such as training, scheduling mediations, managing cases, supervising volunteers, negotiating contracts, data collection and raising funds were largely conducted in part by part-time staff.



Figure 30: Full-time Vs. Part-time

As a result, and due to poor remuneration, part-time staff turnover was high. In addition, despite a bad economy, the overall increase in volunteerism in the United States (Alliance Trends³⁷) further increased the demand for better coordination at the center level. The number of volunteer mediators in Massachusetts community mediation increased by about a hundred new volunteers since December 2012.

³⁵ Production Solutions. 2013 State of Employment for Nonprofit Organizations. Retrieved November 29, 2013 from <http://www.productionsolutions.com/infographic-2013-state-of-employment-for-nonprofit-organizations/>

³⁶ Nonprofit HR Solutions. 2013 Nonprofit Employment Trends Survey. Retrieved November 29, 2013 from <http://www.nonprofithr.com/wp-content/uploads/2013/03/2013-Employment-Trends-Survey-Report.pdf>

³⁷ Alliance Trends. Retrieved from <http://www.alliancetrends.org/nonprofits.cfm?id=59>

The new influx of volunteers demand more from community mediation centers in terms of management, deployment, coordination and training. Managing volunteers and ensuring that there is no volunteer turnover has become difficult for small nonprofits that do not have paid professional volunteer managers.³⁸ Overworked nonprofit staff, subsequent staff burnout and premature employee turnover is making nonprofits, even those that can afford full-time staff, increasingly unproductive.³⁹ As a result, nonprofits are losing highly skilled and experienced employees. Yet, with diminishing budgets, most small community nonprofits are finding it difficult to invest in adequate resources for recruiting and retaining skilled full-time staff.⁴⁰

The need for more staff for nonprofits nationally is in line with the increasing demand on nonprofits to deliver a wider range of services to local communities struggling in a bad economy. The Nonprofit Finance Fund's 2012 annual survey⁴¹ indicates that 85% of nonprofits surveyed reported an increase in demand for their services in the past year, and 88% indicated that they anticipated an increase in demand for their services in the coming year.

Nonprofit services have remained in demand even during difficult economic times (2013 Nonprofit Employment Trends Survey). These national trends are also in line with the trends in Massachusetts. Findings from the Fiscal Year 2012 *Legislative Study* indicated that ten out of fourteen Massachusetts centers (71%) experienced a recession-induced increase in demand for community mediation services in their service areas.

An analysis of Massachusetts community mediation, in terms of sustainability reveals that despite significant changes in process and strategy, inadequate staffing is a stumbling block for centers achieving overall sustainability and alleviating their reliance on the CMC Grant Program (see Figure 31: Sustaining Massachusetts Community Mediation, below).

³⁸ Nonprofit HR Solutions. 2013 Nonprofit Employment Trends Survey. Retrieved November 29, 2013, from <http://www.nonprofithr.com/wp-content/uploads/2013/03/2013-Employment-Trends-Survey-Report.pdf>

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ Nonprofit Finance Fund. 2012 State of the Sector Survey. Retrieved November 29, 2013, from <http://nonprofitfinancefund.org/state-of-the-sector-surveys>

Sustaining Massachusetts Community Mediation

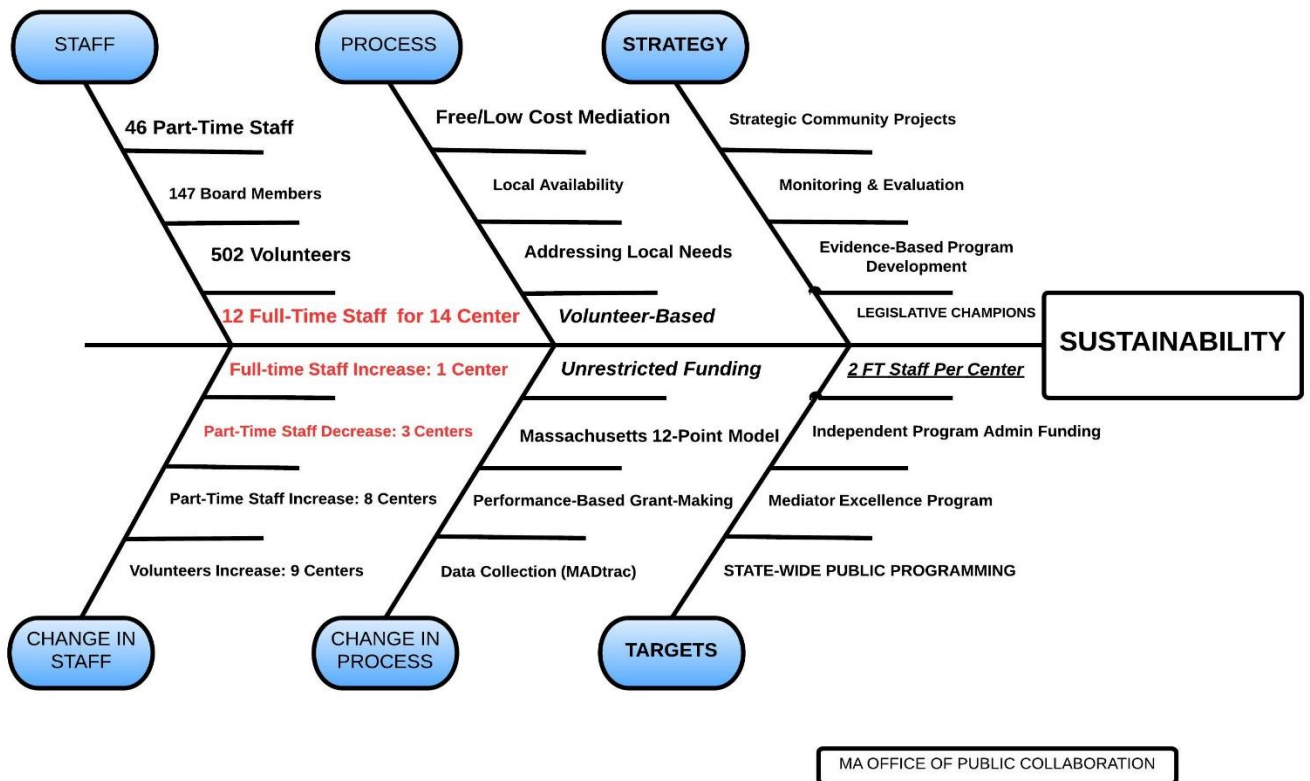


Figure 31: Sustaining Massachusetts Community Mediation

The Community Mediation Center Grant Program has achieved significant changes regarding the potential to make community mediation sustainable over the long-term. These include an increase in part-time staff in eight centers, a small increase in full-time staff in one center and an increase in the number of volunteers in nine centers. Important process changes have also been implemented by the Community Mediation Center Grant Program, such as the distribution of unrestricted funding that allows centers' self-determination and freedom to invest in areas of growth, as well as the Massachusetts Twelve Point Model for community mediation, which grounds the practice of community mediation in the state and is used to qualify centers to receive public investment; a performance-based funding framework that incentivizes more services to the communities centers serve; systematic collection of data through a customized case management database and statistical data aggregation package (MADtrac and STATtrac, respectively); strategic investments in scalable community projects in Fiscal Year 2014 to promote growth in unfunded/underfunded areas of community dispute resolution need; monitoring and evaluation for accountability, learning and advocacy using well-defined indicators of success; evidence-based program design and implementation

through the collection of data, analysis and research; and relationships, cultivated over the years, with legislative champions, who truly understand and support the services provided by the centers and community volunteers.

In terms of the future, however, especially in terms of ensuring long-term community mediation sustainability, Massachusetts community mediation centers have a long road ahead of them.

Although funding to Massachusetts community mediation was stabilized in Fiscal Year 2013, the staffing situation has not yet become sustainable. An important priority then is to be able to afford (recruit and/or retain) a full-time professional staff or the functional equivalent at each funded center.

Centers should aim to have at least an executive director and a case manager whose time commitment accommodates the various management and service demands placed on their community nonprofit organizations by the public, public sector institutions and by the private sector, including volunteers, funders and sponsors.

Level funding for community mediation is currently inadequate to significantly improve sustainability. The importance of public investment cannot be overemphasized. In Fiscal Year 2009, the state legislature appropriated an average of \$54,755 per court-connected community mediation center for 17 centers through the Trial Court (see Figure 32: Legislative Appropriation FY 13 Vs. FY09, below).

In Fiscal Year 2013, the legislative appropriation resulted in an average of only \$27,876 in operational funds per center for 15 centers. The latter appropriation is only 51% of the funds appropriated in 2009. The average award in Fiscal Year 2013 was below the average cost of administering a center in the mid 1990's, which was \$34,500 per center.⁴²

⁴² Cratsely, *op. cit.*

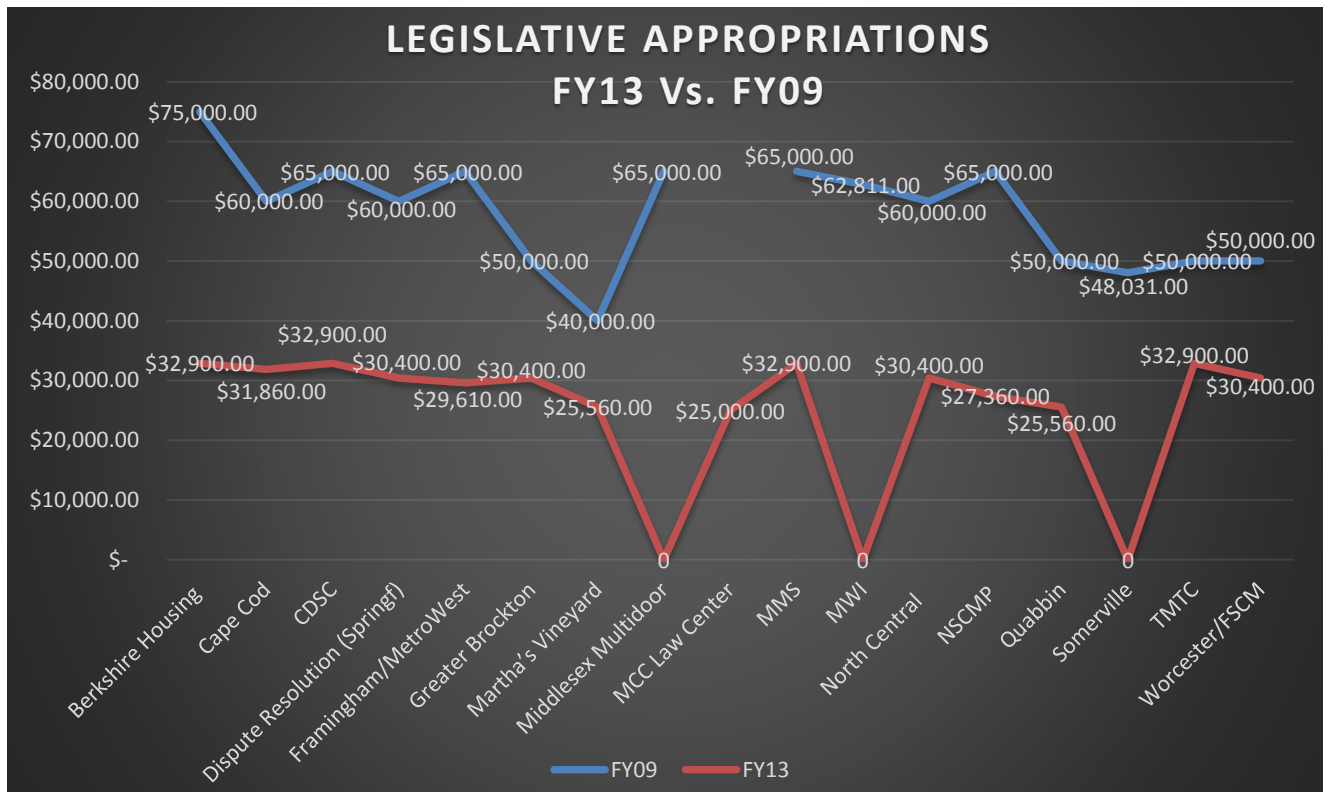


Figure 32: Legislative Appropriation FY 13 Vs. FY 09

Despite the funding shortfall, the Community Mediation Center Grant Program funding system is more equitable in comparison to the funding distribution of earlier times. The earlier distribution of funds was not criteria-based and the differences in the amounts received by centers varied considerably.⁴³ The equitable system embodied by the CMC Grant Program provides all centers with a fair chance to grow and increase their sustainability.

Center directors, in the 2011 annual survey expressed the importance of public investment and its direct influence on center sustainability. The centers described in the November 2013 survey some of the new possibilities that would be available for their centers with more funding and staff as follows:

It is difficult to imagine expanding services to meet any unmet institutional need with level funding.

With increased funding DRS would be able to hire additional staff that would have an immediate effect on the number of intakes and mediations DRS can provide. Additional staff would also allow DRS to increase our outreach efforts and our ability to implement additional projects that are now done when time allows by the current staff.

⁴³ Consider, the standard deviation in funding awarded to centers in the Community Mediation Center Grant Program is only \$2,896 while the former funding model had a standard deviation of \$9,121.

One institutional need would be to increase the case coordinator's work hours to a full time position...With increased funding, one option would be to have a part time intern (symbolically compensated) that would be in charge of creating, developing and maintaining social media, such as a monthly newsletter, a Facebook page, a LinkedIn account and twitter.

With increased state operational funding, in FY 2015 we would explore the feasibility of adding an additional part-time staff person to our center whose primary purpose would be to cultivate and coordinate only non-court community mediation services.

It is the Center's hope that the CMC grant allocation will increase to a level that would ensure the following: • The support of at least one full-time Coordinator for the Mediation Center, which would provide a better platform for the continued growth of the volunteer mediator component of the program, and the related growth and increased availability of mediation services to meet the community's needs.

If increased [funding] we could offer more comprehensive mediation services and more employment for mediators. We would increase staff hours for peer mediation, case coordination, and training to fully staff our peer mediation program, expand administrative and outreach capacity, and increase case coordination services.

Increased funding - Increase staff by hiring a part-time court coordinator and a part-time community outreach advocate,

The use of increased unrestricted state operational funding is a wise investment in shoring up much needed human resources and in sustaining the Massachusetts community mediation model. The initial expectation for the Community Mediation Center Grant Program was to mitigate the economic threat to the efficacy of the state's community mediation infrastructure by furthering the stability of community mediation. Additional state support is needed to reinforce the gains that have been made so far.

Outputs yet to be achieved

Due to financial and administrative resource constraints the following outputs were not fully achieved:

1. Massachusetts community mediator excellence program: Massachusetts General Law ch.75 §47 authorized MOPC to assist Massachusetts community mediation centers and their mediators to continue providing high quality mediation services to their clients through providing new opportunities for continuing education, building on a community of reflective practice, and instituting mechanisms for the recognition of achievements. The emphasis was to be on the collaborative, consensus-based development of an integrated approach to quality assurance, building on efforts that have already been undertaken by the centers, the court and court-connected ADR (alternate dispute resolution) programs in Massachusetts and models from community

mediation systems in other states. Due to the reduction in funds and the inability to fund mediator excellence initiative and the resulting inability to hire a full-time program administrative staff, a formal mediator excellence program was not implemented in Fiscal Year 2013. However, with unrestricted operational funding, centers were able to carry out mediator excellence activities on their own (see section on Mediator Excellence below).

2. University of Massachusetts service learning program for students and faculty: In the founding documents of the Community Mediation Center Grant Program, it was envisaged that resources would be set aside for service learning activities on Massachusetts community mediation. The idea was to actively promote community mediation centers as experiential and service learning placements for university students and faculty by partnering with centers to enhance community partnerships and problem-solving on state-wide and community issues, pursuant to the university's mission as a land grant institution. This goal was partially realized in Fiscal Year 2013 when graduate students from the Center for Public Policy at UMass Amherst helped evaluate a research framework for investigating the impact of peer mediation services in schools. However, dedicated staff resources are needed to create a formal service-learning program, which will be housed within the University of Massachusetts system in future.
3. Annual UMass Boston recognition event for community mediation champions and mediators: The awards program was not part of Fiscal Year 2013 activities but has been taken up as a collaborative planning initiative between MOPC and the centers in Fiscal Year 2014, with the goal of implementing such an event in Fiscal Year 2015, should program resources permit.

Economic Impact of State Operational Funding

The Massachusetts Office of Public Collaboration (MOPC), as part of its monitoring and evaluation of the Community Mediation Center Grant Program, conducted outcomes measurement based on models of outcomes theory. MOPC hopes that outcomes measurement will lead to robust economic evaluation of the CMC Grant Program and plans to seek the assistance of expert economists for this purpose in the future.

In the interim, MOPC developed the following preliminary economic analysis indicating what the costs and benefits from the CMC Grant Program would look like based on empirical as well as hypothetical/assumed effect-size estimates⁴⁴ (some effect-size estimates are derived from

⁴⁴ From the point of view of outcomes theory, an *effect-size* is formally defined as the amount of change in a higher-level outcome within an outcomes model that can be fully attributed to the causal effect of a lower level

other states' empirical estimates). The analysis utilizes data collected from surveys administered to fifteen funded community mediation centers in December 2012 as a baseline and in October 2013 as part of a summative evaluation.

It must be noted that, where an assumption-based approach is used in this analysis, it is used because there is not enough empirical information to robustly determine what the effect-size actually is.⁴⁵ Indeed, few measures of effectiveness will be perfectly reliable, but it is important that the most reliable measure be employed wherever available or the one that meets minimal standards.⁴⁶ In most cases, finding a correlation between an alternative and a measure of effectiveness will be possible.⁴⁷ It is hoped that the following preliminary economic analysis will provide some direction and guidance for a more robust economic analysis to follow.

It must also be noted that even a robust cost-benefit analysis will struggle to ascertain the holistic outcomes and/or benefits of community mediation. The holistic estimation of community mediation costs and benefits must take into account the unique features of community mediation, such as, for example, the psychosocial impact of mediation and the utilization of volunteer mediators, which ask for a non-commercial and more holistic analysis of the impact of community mediation. Executive Director of Community Mediation Maryland Lorig Charkoudian indicates that the "cost of mediation," [meaning, cost of community mediation] "has both a financial cost as well as an emotional cost. The total cost, then, of using mediation includes the emotional costs, which cannot be measured directly, the opportunity cost and any financial cost on top of that."⁴⁸

Charkoudian further observes: "government and charitable subsidy of the financial cost (including provision of services by volunteer mediators) may bring the total cost down to a level where consumers are more likely to consume the socially optimal amount of mediation. But it is important to recognize the ripple benefits of mediation, and the fact that we can create value for peace that goes far beyond the financial."⁴⁹

step within the same outcomes model. See Duigan, P. (2009-2012). Types of economic evaluation analysis. Outcomes Theory Knowledge Base Article No. 251. Retrieved from

<http://outcomestheory.wordpress.com/2011/10/21/types-of-economic-evaluation-analysis-2m7zd68aaz774-110/>

⁴⁵ *Ibid.*

⁴⁶ Levin, H. M. & McEwan, P. J. (2001). *Cost-effectiveness analysis: Methods and applications*. Thousand Oaks, CA: Sage Publications.

⁴⁷ Nevertheless, in an analysis like this, it is not always possible to rule out the "threats to internal validity" such as selection bias, attrition, history, maturation and regression. See Levin & McEwan, 2001, *ibid.*

⁴⁸ Charkoudian, L. MACROScope letter to the editor. Retrieved on December 17, 2012, from http://www.mdmediation.org/sites/default/files/Mediation%20and%20Money_1.pdf

⁴⁹ *Ibid.*

Economic Analysis of MA Community Mediation

Economic analyses can be divided into: cost of intervention analyses, which simply show what it costs to run an intervention; cost-effectiveness analyses, which show what it costs to achieve a certain effect; and cost-benefit analyses, which show the overall costs and benefits of an intervention.⁵⁰

Cost-effectiveness analysis is a technique that relates the costs of a program to its key outcomes or benefits. Cost-benefit analysis takes that process one step further, attempting to compare costs with the dollar value of all (or most) of a program's many benefits. These seemingly straightforward analyses can be applied any time before, after, or during a program implementation, and they can greatly assist decision makers in assessing a program's efficiency.⁵¹

In the following analysis, all three models will be utilized to develop preliminary estimations of the economic impacts of Massachusetts community mediation.

1. Cost of intervention analysis of Massachusetts community mediation - Single and multi-intervention comparison

Methodology:

A cost-of-intervention analysis looks at the cost of an intervention and allows us to estimate that cost (e.g. \$1,000 per participant).⁵² Cost of intervention analysis multi-intervention comparison allows us to compare the costs of different interventions (e.g., Program 1 – \$1,000 per participant; Program 2 – \$1,500 per participant).⁵³ In the following analysis, the cost is primarily the state funding provided to community mediation centers through a structured grant process by the Commonwealth of Massachusetts and the State of Maryland.

i. Cost of setting up existing dispute resolution infrastructure

Effect-size estimation:

- Before Fiscal Year 2013 funding, centers without any court funding since Fiscal Year 2009 were facing dire financial issues. There was a possibility that most/some centers would go out of business.
- A survey administered in the 90's of court-connected ADR programs shows the average annual administrative cost (at the time) per each program/center was \$34,500.⁵⁴

⁵⁰ Duignan, *op. cit.*

⁵¹ Cellini, S. R., & Kee, J.E. (2010). Cost-effectiveness and cost-benefit analysis. In Wholey, J. S., Hatry, H.P., & Newcomer, K.E. (Eds.), *Handbook of practical program evaluation*, 493-530. San Francisco, CA: Jossey-Bass.

⁵² Duignan, *op. cit.*

⁵³ *Ibid.*

⁵⁴ Cratsley, *op. cit.*

- Re-investing in existing community mediation centers with established networks of volunteers, referral sources and programmatic funders, instead of creating new centers averted the necessity of re-launching Massachusetts community mediation.

Cost of Intervention: Using the administrative costs of programs from the 90's as a baseline start-up cost in Fiscal Year 2013 (which is also the cost of intervention at the time) \$517,500 would have to have been appropriated by the state just to restart 15 community mediation from scratch assuming that all 15 centers closed without state operational funding. Any return on investment that appears in this report would not have accrued in Fiscal Year 2013 until centers launched their operations in full by recruiting new staff, re-establishing networks of volunteers, referral sources and other funders. Centers would also have had to reestablish good will, reputation, trust and social capital through community outreach and education. This would have taken months or possibly years to accomplish and at the cost of an unknown sum of money.

ii. ***Cost of a mediated case based on state operational investment***

Effect-size estimation:

- Massachusetts Legislature invested \$650,000 in the Community Mediation Center Grant Program in Fiscal Year 2013. In the same year, 15 Massachusetts community mediation centers conducted 4,219 mediations. Using the state grant program investment as the cost, the estimated intervention cost of the grant program is \$154 per mediated case.
- Maryland invests an estimated \$950,000 in community mediation every year. Fifteen community mediation centers across Maryland conducted 3,068 mediations (Fiscal Year 2010 data) at an average intervention cost of \$310 per mediated case.
- New York's Office of ADR and Court Improvement Program indicate that the dispute resolution service cost-effectiveness is at approximately \$200/case category (Collins, M., August 18, 2011, personal communication).

Cost of Intervention:

The Massachusetts cost of intervention ratio is 1:1 ½ compared to the cost of intervention ratio of Maryland. Based on this analysis, the cost of a case mediated by Massachusetts community mediation centers is 51% less than a case mediated by Maryland community mediation centers. This means that, comparatively speaking, Massachusetts community mediation centers conduct more mediations with less state operational funding than Maryland community mediation centers.

i. ***Cost per person served based on state operational investment***

Effect-size estimation:

- The Massachusetts Legislature invested \$650,000 in the Community Mediation Center Grant Program for Fiscal Year 2013.
- 14 grantee Massachusetts community mediation centers served a total of 7,813 persons in Fiscal Year 2013 (case intake, mediation, training etc.).
- The average cost of intervention of the Community Mediation Center Grant Program is less than \$83 per person.
- The hourly rate for a private mediation practitioner is between \$100 and \$300 per hour. Lawyers charge a consultation fee of on average \$100-\$400 an hour.

Cost of intervention:

A private mediation practitioner might charge up to 361% more per person served (for mediation) and a lawyer – up to 481% more than a community mediation center.

2. Cost-effectiveness analysis of Massachusetts community mediation – Multi intervention comparison

Methodology:

Cost-effectiveness analysis is designed to compare the costs and effectiveness of two or more alternatives with similar objectives allowing the selection of a wide range of effectiveness measures, if the program objectives are similar.⁵⁵ This is followed by the calculation of a cost-effectiveness ratio, which assists economists to select the most effective intervention. The cost-effectiveness ratio is computed by dividing the cost of a given intervention by its effectiveness as follows:

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

In this analysis, estimates are available of the attributable effect-size of the intervention on mid/high-level outcomes allowing the estimation of the cost of achieving a mid/high-level outcome effect size of a certain amount and compare this across more than one intervention.⁵⁶

i. Cost-effective grant program administration

- Maryland’s Mediation and Conflict Resolution Office (MACRO) receives \$200,000 from the state for its operating expenses, excluding salaries.⁵⁷
- In addition, Community Mediation Maryland (CMM), the state’s community mediation technical assistance provider receives state operating funds amounting to \$250,000 in

⁵⁵ Levin & McEwan, *op. cit.*

⁵⁶ Duignan, *op. cit.*

⁵⁷ Parker, A., November 9, 2011, personal communication.

Fiscal Year 2012. CMM received \$300,000, \$243,000, and \$245,700 in Fiscal Years 2009, 2010 and 2011 respectively to provide technical assistance, including monitoring and evaluation to Maryland community mediation. Importantly, grant program administration services are conducted by the Mediation and Conflict Resolution Office of Maryland (MACRO).

- In Fiscal Year 2013, the Massachusetts Office of Public Collaboration (MOPC) received \$130,000 for administering grants to fifteen community mediation centers and related operational expenses, designing and implementing the Community Mediation Center Grant Program for 15 Massachusetts community mediation centers and the provision of technical services such as grant administration, and monitoring and evaluation.
- In Fiscal Year 2013, MOPC received \$144,042 in state operational funding for its public mission under Massachusetts General Law ch.75 §46 through the University of Massachusetts Boston.
- The total state operational funding for program administration in Maryland is over \$450,000 (excluding salaries for MACRO staff).
- The total state operational funding for program administration in Massachusetts is \$274,402.

Cost-effectiveness:

The cost-effectiveness ratio of Maryland community mediation program administration compared to Massachusetts program administration is 1:1.6. Therefore, Massachusetts grant program administration is more cost-effective than Maryland grant program administration.

3. Cost-benefit analysis of Massachusetts community mediation based on state operational investment – Multi intervention comparison:

Methodology:

Cost-benefit analysis techniques determine whether the benefits of a given alternative outweigh the costs and thus whether the alternative is worthwhile in an absolute sense.⁵⁸ If the cost-benefit ratio is above one, that means that the benefits outweigh the costs. The cost benefit ratio is calculated by dividing the benefit of the intervention by the cost of the intervention as follows:

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

i. Assumed cost-benefit to the District Court from juvenile mediations

Effect-size estimation:

⁵⁸ Levin & McEwan, *op. cit.*

- In 1992, the cost of processing 3,660 juvenile cases in a year using mediation at the Haverhill District Court in Massachusetts was estimated at \$2,464,197, while the cost of processing this number of cases in court was estimated to be \$5,691,995, which is a cost saving of \$3,227,798 for a year.⁵⁹ This is an average saving of \$882 per case.
- Based on the above figures, the cost of a juvenile case going through court was \$1,555. The cost of mediation, according to the same study, was \$673 per case.
- Five Massachusetts community mediation centers conducted 49 successful juvenile mediations between January and December 2012.

Cost-benefit:

At an average saving of \$882 per case to the District Court, two Massachusetts community mediation centers mediated 49 juvenile cases with an estimated cost saving of \$43,218 for the respective District Courts. If not for these mediations, the cost of 49 juvenile cases going through court would have amounted to \$76,195. At a mediation cost of \$673 per case, the total mediation cost would amount to only \$32,977. Since many of these centers provide free or subsidized mediation services, the total cost-benefit of mediating 49 juvenile cases could be as much as \$76,195.

ii. Assumed cost-benefit to the court from successful mediations avoiding trial

Effect-size estimation:

- Twelve Massachusetts community mediation centers conducted 1,362 successful small-claims mediations that avoided trial in Fiscal Year 2013. Centers also conducted 1,027 successful summary process mediations and 38 minor criminal mediations that also avoided trial.
- The Oregon Department of Justice report found that “the cost of resolving a case by taking it through a trial to a verdict (\$60,557) is, on average, the most expensive process [the cost to the state – including judicial system - in civil cases involving the state of Oregon]. At the other end of the spectrum, mediation costs about \$9,537.”⁶⁰
- Assuming a conservative cost-saving to the court of \$500 per case, Massachusetts community mediation centers have saved an estimated \$1,213,500 to the court system from 1,362 successfully mediated small-claims cases, 1,027 successfully mediated summary process cases and 38 successfully mediated minor criminal cases in Fiscal Year 2013.
- Costs to parties would include filing fees that are between \$40 and \$150 per party in Massachusetts. For small claims disputes concerning amounts less than \$7000, private

⁵⁹ From a report titled *Expanding juvenile mediation in Massachusetts* from the Crime and Justice Foundation cited by Cratsley, *op. cit.*

⁶⁰ Oregon Department of Justice figures, retrieved December 17, 2012 from www.doj.state.or.us/adr/pdf/gen74031.pdf

mediation practitioners charge between \$250-\$300/hour⁶¹. Additionally, lawyers could charge between \$250-\$500 in legal fees per case (for sending Lawyer's Letters, court appearances etc.).⁶²

- Assuming a conservative cost-saving of \$100 per party to a case, Massachusetts community mediation has saved \$242,700 to parties from 1,362 successfully mediated small-claims cases, 1,027 successfully mediated summary process cases and 38 successfully mediated minor criminal cases in Fiscal Year 2013.

Cost-benefit:

Massachusetts community mediation centers have saved an estimated \$1,213,500 for the court system and \$242,700 for parties in 1,362 successfully mediated small-claims cases, 1,027 successfully mediated summary process cases and 38 successfully mediated minor criminal cases in Fiscal Year 2013.

iii. Cost-benefit of leveraged pro bono mediation services

Effect-size estimation:

- Fourteen Massachusetts community mediation centers maintained a roster of 502 active volunteer community mediators who contributed 7,905 hours of pro bono mediation services in Fiscal Year 2013.
- The value of this pro bono work is estimated at \$790,500 at \$100 per hour (based on private practitioner minimum hourly rate).

Cost-benefit:

502 volunteer mediators at fourteen Massachusetts community mediation centers contributed 7,905 hours of pro bono mediation services in Fiscal Year 2013, the value of which is estimated at \$ 790,500 at \$100 per hour (based on private practitioner minimum hourly rate).

The benefit-cost ratio of leveraged pro bono mediation services is 1.2, or for every dollar invested by the legislature in Fiscal Year 2013, centers generated a benefit worth a dollar and twenty cents in pro bono mediation services alone making Massachusetts community mediation a highly leveraged investment. In other words, Massachusetts community mediation centers can leverage 120% of the state operational investment in pro bono mediation services alone.

⁶¹ Massachusetts Dispute Resolution Services. Fee schedule. Retrieved November 4, 2011, from <http://www.mdrs.com/fees>

⁶² Example of lawyers' fees for small claims cases available at http://www.masmallclaims.com/index.php?p=1_7_Legal-Fees

iv. Cost-benefit of leveraged pro bono administrative services by staff, volunteers, board and interns

Effect-size estimation:

- Centers leveraged an extra 6,624 hours of pro bono administrative services from staff/volunteers/board members and interns in Fiscal Year 2013.
- At an estimated cost of \$19.2 an hour (mean hourly wage for administrative services in Massachusetts⁶³), the pro bono administrative services are worth \$127,180.80.

Cost-benefit:

Nine community mediation centers leveraged 6,624 hours of pro bono administrative services from staff and volunteers in Fiscal Year 2013 worth \$127,180.80.

Based on the Fiscal Year 2013 state investment in community mediation, the benefit-cost ratio of pro bono administrative services generated by centers is .52 or for every dollar invested in community mediation by the legislature in Fiscal Year 2013, centers are capable of leveraging 52 cents worth of pro bono administrative services from staff/volunteers/board members.

v. Assumed cost-benefit of leveraged mediation trainings for community members

Effect-size estimation:

- Eleven Massachusetts community mediation centers trained 1,246 community members as mediators in Fiscal Year 2013.
- Each mediation course has a market value of around \$600 per trainee.
- The total benefit of these mediation services are worth an estimated \$747,600.

Cost-benefit:

Eleven Massachusetts community mediation centers trained 1,246 community members as mediators in Fiscal Year 2013 the total benefit of which is worth an estimated \$747,600.

Based on the Fiscal Year 2013 state investment in community mediation, the benefit-cost ratio of leveraged mediation trainings to communities is 1.15 – or for every dollar invested by the state legislature in Fiscal Year 2013, centers can leverage one dollar and fifteen cents worth of mediation training to community members.

vi. Cost-benefits leveraged through consumer mediation grants

⁶³ United States Department of Labor, Bureau of Labor Statistics. Retrieved November 10, 2013 from http://www.bls.gov/oes/current/oes_ma.htm#43-0000

- The Massachusetts Attorney General’s Office provided an estimated \$568,000 to fifteen Massachusetts community mediation centers in Fiscal Year 2013 for conducting face-to-face consumer mediations.
- Using the AGO numbers, fourteen Massachusetts community mediation centers helped parties recover \$3,857,032.

Cost-effectiveness:

The Massachusetts Attorney General’s Office provided an estimated \$568,000 to fifteen Massachusetts community mediation centers in Fiscal Year 2013 for conducting face-to-face consumer mediations. Fourteen centers helped parties recover \$3,857, 032 in Fiscal Year 2013.

The benefit-cost ratio of the consumer mediation funds provided by the Massachusetts Attorney General’s Office is 1:6.8 – or for every dollar invested by the AGO in Massachusetts community mediation, consumers are recovering six dollars and eighty cents from consumer mediation agreements.

vii. Assumed cost-benefit to schools

Effect-size estimation:

- The Ohio Commission on Dispute Resolution found that schools managed to save an average of \$331 from each averted student suspension or expulsion through the successful use of student peer mediations.⁶⁴
- Four Massachusetts community mediation centers conducted 266 successful peer mediations that may well have resulted in avoided student suspensions or expulsions in Fiscal Year 2013.

Cost-benefit:

Schools probably saved an estimated \$88,046 from avoided student suspensions or expulsions as a result of 266 successful peer mediations conducted by four Massachusetts community mediation centers. The benefit-cost ratio cannot be determined since funding for the Student Conflict Resolution Experts (SCORE) Program of the Attorney General’s Office in collaboration with community mediation centers and school communities was defunded in 2009.

viii. Assumed cost-benefit to divorcing couples

Effect-size estimation:

⁶⁴ The Student Peace Alliance, *op. cit.*, citing Hart, R. C., Shelestak, D. & Horwood, T. J. (2003, February). *Cost savings report on school conflict management program*. Kent, Ohio: Kent State University, Bureau of Research Training and Services. Retrieved October 29, 2011, from <http://www.studentpeacealliance.org/learn/ohio-conflict>

- The average cost of private divorce mediation is estimated at \$5,000 per case.⁶⁵
- Five Massachusetts community mediation centers conducted 96 successful divorce mediations in Fiscal Year 2013.

Assumed cost-benefit:

The average cost of private divorce mediation is estimated at \$5,000 per case.⁶⁶ Five Massachusetts community mediation centers conducted 96 successful divorce mediations in Fiscal Year 2013. Assuming the mediations were conducted free, parties to the 96 successful divorce mediations saved an estimated \$480,000.

ix. Assumed cost-benefit to local businesses/organizations

Effect-size estimation:

- Five Massachusetts community mediation centers conducted four successful workplace mediations in Fiscal Year 2013.
- The Mediation Training Institute International (MTI) found that a conflict cost a New England organization \$60,916.77.⁶⁷
- This estimation will use an assumed conservative cost of \$10,000 per workforce conflict (10% of the cost identified in the MTI case).

Assumed Cost-benefit:

Assuming a resolved workplace conflict saved a conservative average sum of \$10,000 for a local organization, a total of \$40,000 was saved for local businesses/organizations by Massachusetts community mediation centers in Fiscal Year 2013.

Grant Program Evaluation Going Forward

Collecting data from funded centers: Systematic collection of evidence of successful implementation and impact of the Community Mediation Center Grant Program is vital for establishing accountability, learning and growth. Systematic collection of data, evaluation and reporting are undertaken by successful community mediation models in other states for accountability and learning purposes.

⁶⁵Hoffman, L. (2006, November 7). To have and to hold on to. *Forbes*. Retrieved December 14, 2012, from http://www.forbes.com/2006/11/07/divorce-costs-legal-biz-cx_lh_1107legaldivorce.html.

⁶⁶ *Ibid.*

⁶⁷ Mediation Training Institute International. Retrieved December 20, 2012 from <http://www.mediationworks.com/mti/costs1.htm>

In accordance with best practice principles from other states, MOPC undertakes periodic evaluation of the performance of the community mediation centers receiving CMC Grant Program grant awards to ensure a return on investment and provide written reports on program performance to the Governor, Legislature and the Court. MOPC utilizes monitoring and evaluation to ensure learning and accountability. Evaluation assists MOPC in being accountable to the state and local governments, Massachusetts citizens, private sponsors and other stakeholders. It does so, first of all, by systematically gathering and analyzing data necessary to justify expenditures of public money. A clear demonstration of the links between program inputs, activities, and outcomes enhances justification for funding.

The overall goal of evaluating the Community Mediation Center Grant Program is to assist MOPC as the Program Administrator in: (a) establishing successful implementation of the Community Mediation Center Grant Program; and (b) demonstrating the impact of the program to the state policymakers, citizens, sponsors and other stakeholders – including current and future sponsors/funders of community mediation and the Commonwealth of Massachusetts in general.

The Community Mediation Center Grant Program has five primary purposes: grant-program implementation, program monitoring, grant-program improvement, continuous development of an effective grant program model, accountability and measurement of short and medium-term impacts.

The evaluation methodology uses both a summative and a Developmental Evaluation⁶⁸ (DE) approach to measure inputs, outputs and outcomes on a summative, year-end timeline as well as a more continuous and developmental loop of examining program implementation and impact in a complex environment of multiple funded centers using dispute resolution to address complex social problems.

The evaluation framework is driven by three key questions concerning implementation efficiency and accountability, impact and learning. Numerous methods are used to study and extract data. The following diagram in Figure 33: Program Evaluation Framework indicates how these different elements come together in the program evaluation plan.

⁶⁸ "Developmental Evaluation supports innovation development to guide adaptation to emergent and dynamic realities in complex environments. Innovations can take the form of new projects, programs, products, organizational changes, policy reforms, and system interventions. A complex system is characterized by a large number of interacting and interdependent elements in which there is no central control. Patterns of change emerge from rapid, real time interactions that generate learning, evolution, and development – if one is paying attention and knows how to observe and capture the important and emergent patterns. Complex environments for social interventions and innovations are those in which what to do to solve problems is uncertain and key stakeholders are in conflict about how to proceed." From Patton, M. Q. (2010). *Developmental evaluation: Applying complexity concepts to enhance innovation and use*. New York: Guilford Press. Retrieved from http://tei.gwu.edu/courses_approaches.htm#developmental_evaluation.

- Has the Community Mediation Center Grant Program been implemented efficiently and accountably?
- How has the CMC Grant Program impacted community mediation in Massachusetts (short-term impact)?
- What are the lessons learnt by MOPC, CMCs and other stakeholders?

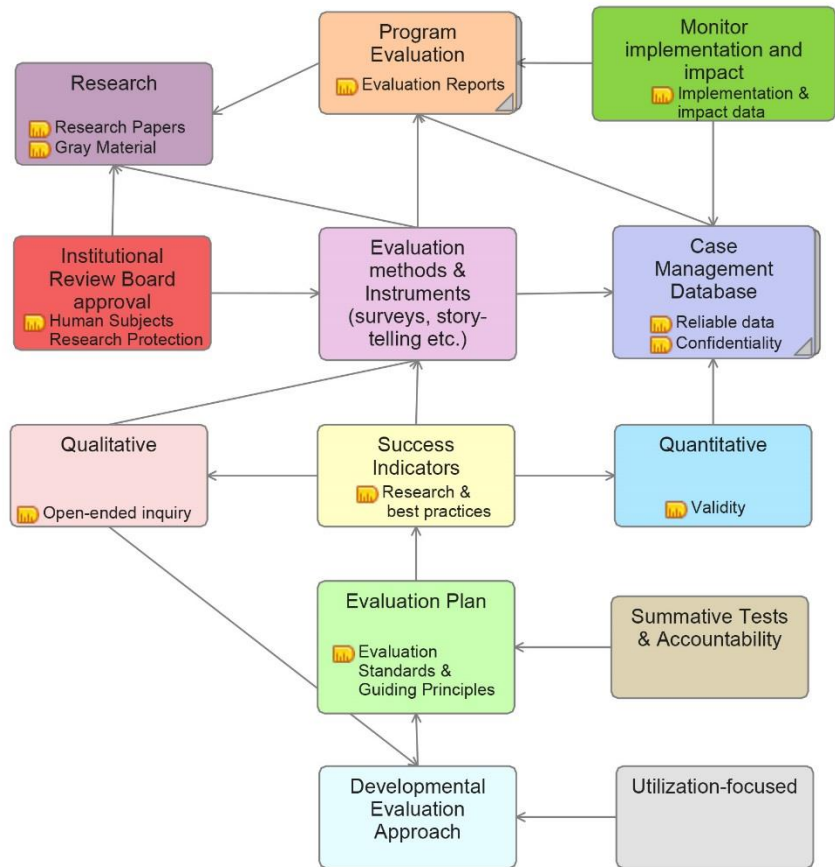


Figure 33: Program Evaluation Framework

The data required to fulfill the reporting and evaluation requirements mandated by the program’s enabling statute were largely obtained in Fiscal Year 2013 through quarterly reports providing monthly intake and mediation numbers, center responses to a mid-year survey in December 2012 and to an annual year-end survey in October 2013, a survey to the PAC in September 2013 and a review of grant applications and supporting documents. Some centers found that furnishing the information in the grant applications and surveys was arduous and time-consuming. The process was cumbersome for MOPC too since it turned out that the variation in the types of data collected by centers had to be reconciled into uniform categories. Funded centers and MOPC turned to the use of Mediation and Dispute Tracking (MADtrac) software to address these concerns about generating relevant data. MADtrac has now been customized for Massachusetts and implemented in the centers on a pilot basis during Fiscal Year 2014. It is hoped that in Fiscal Year 2015, the system will generate vital data for evaluation with minimal burden on both the centers and MOPC. This will allow MOPC evaluators to develop other creative data collection and analysis processes like case studies/human interest stories, PhotoVoice⁶⁹ and videos.

⁶⁹ Photovoice is a method where community participants are asked to represent their community or their own point of view by taking photographs, discussing them together, developing narratives to accompany their photos,

MADtrac is assisting centers to record and manage caseload activity on a daily basis. This unified database system can track mediation case management activity by, for instance, recording information about clients and staff and track case progress, sending letters and invoices, charging fees, tracking payments, and producing an abundance of case, mediation statistics and staff time reports.

MOPC worked with the funded centers and the developer, SoftGoals, to customize the software to meet the needs of current programming and services. A two-day comprehensive training was conducted to representatives of all funded centers in May 2013 followed by the distribution of the final customized software in July 2013.

Several challenges emerged during the training. First, there was a wide range of computer literacy displayed by the center participants. Secondly, inadequate staffing prevented several centers from dedicating particular staff members for consistent training in the use of the software. Consequently, the pilot period for the employment of this case management software was extended for a year through Fiscal Year 2014.

In order to facilitate MOPC's reporting and evaluating duties, an additional, complementary statistical software package called STATtrac was purchased from SoftGoals and customized based on evaluation indicators to collect aggregated implementation and impact data of all funded centers using the software. This package should assist centers to export aggregated data from MADtrac and for MOPC to aggregate similar data from all funded centers based on the evaluation indicators of success (see Attachment III).

Mediator Excellence

Massachusetts General Law ch.75 §47 (A) states that:

*The state office shall be authorized to establish rules and guidelines to effectuate the purposes of this section, including provisions for grant-making, monitoring and evaluation of the state-wide program and state-funded community mediation centers, and **establishment of a quality assurance system for mediator excellence.***

After careful study of successful mediator excellence systems, MOPC has created a preliminary model of a Massachusetts Community Mediator Excellence Program and the general process of creating such a program. The model depicted in Figure 34: Mediator Excellence Model is as follows:

and conducting outreach or other action (Retrieved from <http://en.wikipedia.org/wiki/Photovoice>). More information on PhotoVoice is available here <http://www.photovoiceworldwide.com/>

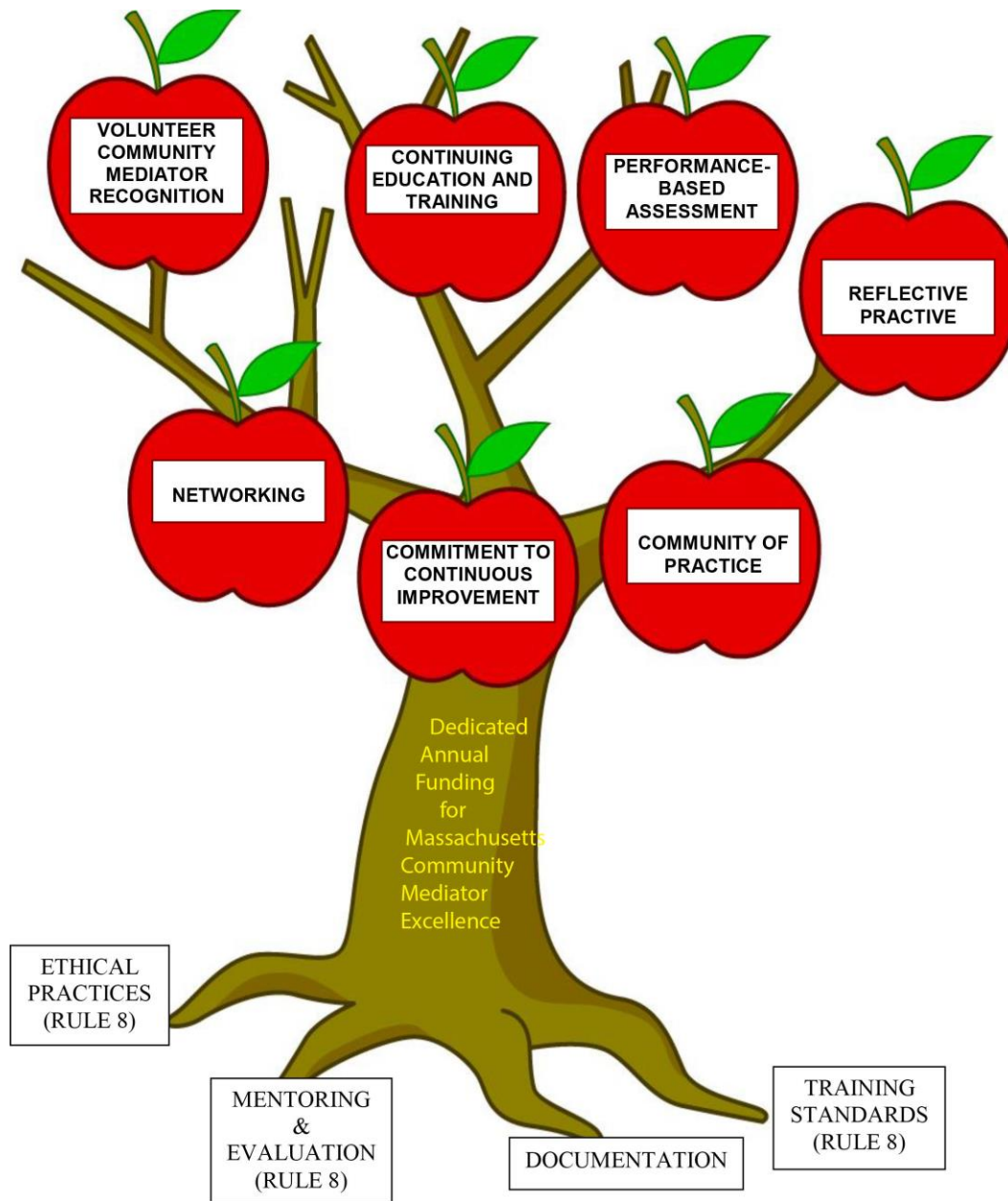


Figure 34: Mediator Excellence Model

The process of establishing this model involves the following steps (see Figure 35: Establishing the Mediator Excellence Model, below):

1. Funding allocation for a mediator excellence program
2. Advanced training for volunteer mediators
3. Formulation of Massachusetts community mediator excellence criteria
4. Community mediator recognition awards; and
5. Peer/youth mediator excellence awards

MOPC envisions the bulk of the mediator excellence program will be developed by grantee centers with funding and oversight provided through MOPC. Unfortunately, in Fiscal Year 2013, no dedicated funds were available for mediator excellence, and the same holds true for Fiscal Year 2014.

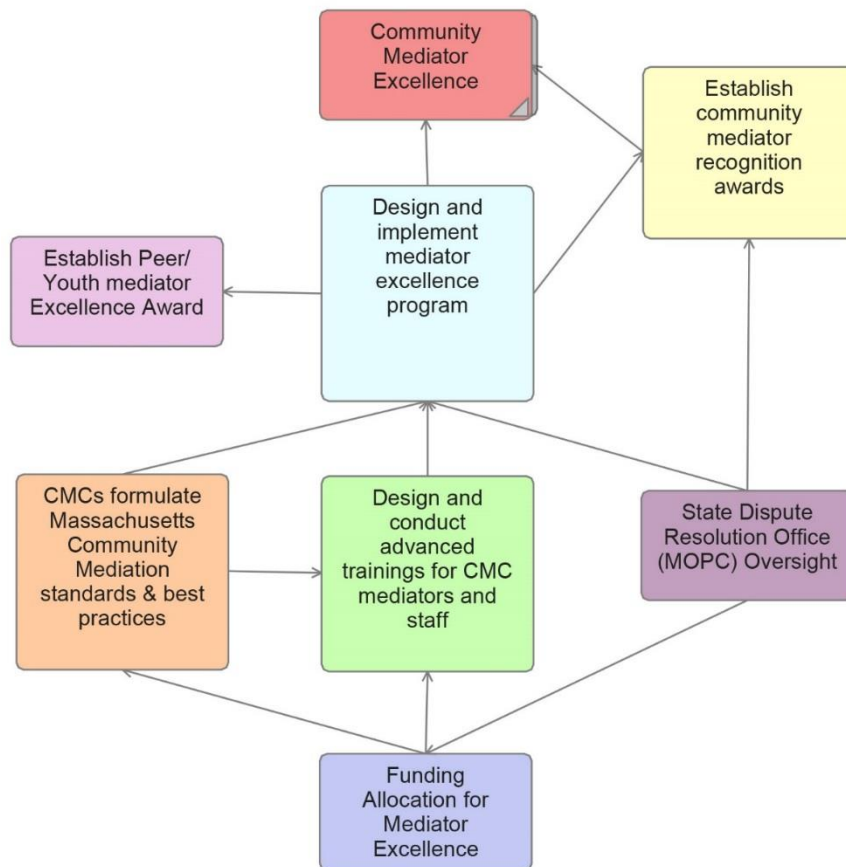


Figure 35: Establishing the Mediator Excellence Model

Despite financing challenges, individual centers managed to utilize the unrestricted state operating funding and other funds leveraged from different sources to conduct mediator excellence activities. The mediator training required by the Twelve Point Model assuages concern that grass roots involvement in community mediation through the deployment of community volunteers as mediators comes at the price of diminished quality of mediation services. The center grantees uniformly assured the competence of their volunteer practitioners by securing their compliance with Rule 8 of the Supreme Judicial Court Uniform Rules on Dispute Resolution, which specifies the qualification standards for training, evaluation, mentoring, and continuing education to be met by mediators who seek to supply court-connected dispute resolution services. Moreover, centers conducted basic training sessions not only to gain new trained volunteer mediators but also to increase the diversity of their roster of mediators. MSNCM, for one, responded to the challenge of the CMC Grant Program’s demand for diversity among volunteer mediators and offered basic training at a nominal fee for the first

time since 2009 when cost constraints prevented the center from providing training, forcing it to rely on a roster composed largely of females and retirees. MSNCM's recruiting efforts resulted in a training group where 57% of trainees were male and over 70% were under 35 years old. GBCDR ensured satisfaction of training standards by reimbursing mediators for training they received off-site.

Many centers asked their volunteers to meet higher standards than those imposed by Rule 8. Several centers – CDSC and MMS – supplemented basic training with some form of apprenticeship. Other centers, like NEM, DRS, TMTC and CCDRC, required new mediators to engage in co-mediation. CCDRC asked trainees to participate in its Advanced Court Practicum, which included observations of court sessions plus debriefings, and co-mediation at four mediations before acceptance onto the mediator roster.

A number of centers devised and offered opportunities for continuing education and advanced training during Fiscal Year 2013. The array of continuing education topics addressed includes ethics and the court, solution-focused questions, dignity in conflict, and summary process mediation preparation at CDSC; community mediation center policies, evaluation policy and process, small claims, landlord-tenant law at MVCDR; and mediation for veterans and re-entry issues, trauma-informed mediation at QM. Advanced trainings were provided in divorce mediation (MSNCM, MWMS, CDSC), housing and eviction matters (MMS), issues arising from multilingual mediation (MMS), advanced mediation (TMTC), summary process (MCC Law Center), elder mediation training (CCDRC), trainer seminars (NEM), and Role Play Review and Difficult Situations (MWMS).

CMC Grant Program grants had a significant impact on centers' ability to perform the administrative tasks that promote and maintain excellence of mediation services. Staff and/or directors from every grantee center received CMC Grant Program-financed training on new software for case management. BCRHA, NSCM, and TMTC reported progress in tracking and documenting volunteer compliance with the continuing education requirement. BCRHA, with CMC Grant Program grant support, developed a staff position that led to improved supervision and oversight of volunteers, finalization of mediator evaluation tools, and updated certification and continuing education information for the mediator roster, and quarterly communications about continuing education opportunities. In order to facilitate evaluation, DRS instituted a check-list of mediator skills and qualities, and MVCDR developed a mediator matrix to track evaluation and progress.

Conclusions and Recommendations

This Fiscal Year 2013 Year-End Report presents a comprehensive analysis of the implementation and impact of the Massachusetts Community Mediation Center Grant Program in year one of the program. It also presents data on the impact of the new funding model of unrestricted

operational funding for community mediation centers in providing a foundation for sustainability and the holistic and economic impacts of community mediation and return on the Commonwealth's investment in community mediation as a cost-effective public service for all citizens of the state. In the coming year, MOPC will be preparing a Fiscal Year 2014 annual report with additional information on the program's activities and accomplishments as well as additional data analysis, findings and recommendations.

The Community Mediation Center Grant Program has achieved significant changes that have the potential to make community mediation sustainable over the long-term. These include an increase in part-time staff in eight centers, a small increase in full-time staff in one center and an increase in the number of volunteers in nine centers. Important process changes have also been implemented by the Community Mediation Center Grant Program, such as: (1) the distribution of unrestricted funding that allows centers' self-determination and freedom to invest in areas of growth, as well as the Massachusetts Twelve Point Model for community mediation, which grounds the practice of community mediation in the state and is used to qualify centers to receive public investment; (2) a performance-based funding framework that incentivizes more services to the communities they serve; (3) systematic collection of data through a customized case management database and statistical data aggregation package (MADtrac and STATtrac, respectively); (4) strategic investments in scalable community projects in Fiscal Year 2014 to promote growth in unfunded/underfunded areas of community dispute resolution need; (5) monitoring and evaluation for accountability, learning and advocacy using well-defined indicators of success; (6) evidence-based program design and implementation through the collection of data, analysis and research; and (7) relationships, cultivated over the years, with legislative champions who truly understand and support the services provided by the centers and community volunteers.

In terms of the future, however, especially in terms of ensuring long-term community mediation sustainability, Massachusetts community mediation centers have a long road ahead of them. The first priority is to be able to afford to recruit and/or retain a full-time professional staff person or the functional equivalent. Centers must have at least a full-time executive director and a case manager – or the functional equivalent – to accommodate the various management and service demands placed on them as community nonprofits by the public, public sector institutions and the private sector, including volunteers, funders and sponsors. Level funding for community mediation is significantly inadequate for achieving sustainability. The importance of public investment must again be stressed. In Fiscal Year 2009, the state legislature appropriated an average of \$54,755 per center for 17 centers through the Trial Court. In Fiscal Year 2013, the legislative appropriation resulted in an average of only \$27,876 in operational funds per center for 15 centers. This is only 51% of the funds appropriated in 2009. If the Community Mediation Center Grant Program is to become sustainable, a much more significant public investment is required.

Recommendations for legislative action

1. The annual legislative appropriation for the CMC Grant Program should be increased for 15 centers or more to each receive at least \$50,000 in baseline and performance-based funding, in line with Fiscal Year 2009 legislative appropriation of an average of \$54,755 each for 17 centers through the Trial Court. Additional new sources for raising these funds like civil filing fees should be explored and tapped.
2. The annual legislative appropriation for the operation of the state dispute resolution office (MOPC) should be stabilized to support additional staff recruitment that is sufficient to fulfilling the office's statutory responsibilities under Massachusetts General Law ch.75 §46 and §47.

Recommendations for CMC Grant Program action:

1. MOPC should explore, with funded center input, ways to further simplify the grant application process in a way that balances the necessity of applicant centers to adequately document performance with the need to reduce the workload on centers in each grant cycle.
2. MOPC should re-examine the burden of reporting requirements and weigh them against the need for accountability as funded centers adopt case management software.
3. MOPC and funded centers should work together to develop initiatives to improve education and outreach to raise awareness of community mediation.
4. MOPC and funded centers should work together to find new sources of funding.
5. Start-up community mediation centers should be invited to apply for CMC Grant Program grants.
6. MOPC and centers should work together to develop a program for mediator excellence, and find adequate resources to support the program.
7. MOPC should find/allocate resources to implement service learning by utilizing students and academic/research/service resources through the University of Massachusetts.
8. Center grantees should seek to stabilize their staff and adopt initiatives to insure the professional level of staff services. This may involve the hiring/retaining of full-time professional staff if state operational funding is increased.

Submitted: December 31, 2013

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Appendix: List of Acronyms

ADR	Alternative Dispute Resolution
BCRHA	Berkshire County Regional Housing Authority, Pittsfield, MA
CDSC	Community Dispute Settlement Center, Inc., Cambridge, MA
CCDRC	Cape Cod Dispute Resolution Center, Inc. d/b/a Cape Mediation, Orleans, MA
CMC	Community Mediation Center
CMCM	Community Mediation Coalition of Massachusetts
CMM	Community Mediation Maryland
DRS	Dispute Resolution Services, Inc., Springfield, MA
FSCM	Family Services of Central Massachusetts Mediation, Worcester, MA
GBCDR	Greater Brockton Center for Dispute Resolution (Probation Services Inc.), Brockton, MA
GRC	Grant Review Committee
MADtrac	Mediation and Tracking Manager (case management database and reporting system)
MCC	Middlesex Community College Law Center, Lowell, MA
MMS	Metropolitan Mediation Services of Brookline Community Mental Health Center, Inc., Brookline, MA
MOPC	MA Office of Public Collaboration (officially known as MA Office of Dispute Resolution)
MSNCM	Mediation Services of North Central MA, Inc., Fitchburg, MA
MVMP	Martha's Vineyard Mediation Program, Inc., Vineyard Haven, MA
MWMS	Metro West Mediation Services, Inc., Framingham, MA
NAFCM	National Association for Community Mediation
NEM	North Essex Mediators of Community Action, Inc.
NSCMC	North Shore Community Mediation Center, Inc.
PAC	Program Advisory Committee
PMP	Parent Mediation Program of MA Office of Public Collaboration with Dept of Revenue
QM	Quabbin Mediation, Inc.
TMTC	The Mediation & Training Collaborative of Community Action of the Franklin, Hampshire, and North Quabbin Regions, Inc., Greenfield, MA
UMB	University of Massachusetts Boston

Attachment I: Grant Program Statute

PART I. ADMINISTRATION OF THE GOVERNMENT.

TITLE II. EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE COMMONWEALTH.

CHAPTER 75. UNIVERSITY OF MASSACHUSETTS.

SECTION 47. COMMUNITY MEDIATION CENTER GRANT PROGRAM

(a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Community mediation center”, a community-based program of a private nonprofit or public agency organized for the resolution of disputes or for a public service, charitable or educational purpose, that provides direct access to free or low-cost mediation services at any stage of a conflict through trained community volunteers and involves community members in the governance of the center.

“Mediator”, an impartial person who assists in the resolution of a conflict or dispute and meets the requirements of section 23C of chapter 233.

“Office”, the office of dispute resolution at the University of Massachusetts at Boston established under section 46.

(b) There shall be a statewide Community Mediation Center Grant Program to be funded by the commonwealth. The mission of the grant program shall be to promote the broad use of community mediation in all regions of the state. Public agencies shall use community mediation in support of statewide and community objectives. The grant program shall be administered by the office of dispute resolution. The office may expend appropriated funds on program administration and operational grants to community mediation centers, on the basis of need, for dispute resolution in neighborhoods and local communities. The office may advocate for funding and resources for the statewide program and for community mediation programming. The office may establish rules and regulations to effectuate the purposes of this section, including provisions for grant making, monitoring and evaluation of the statewide program and state-funded community mediation centers and the establishment of a quality assurance system for mediator excellence. The office shall establish a program advisory committee with balanced representation of interests, including representation of state-funded community mediation centers.

(c) Funds appropriated or available for the purposes of this section shall be allocated for eligible community mediation centers through operating grants from the office. The grants administered under this section shall be used solely to provide operational funding for centers to assist them in meeting the needs of local communities. Eligible centers shall be selected for operational grants based on grant applications. Grant applications shall be screened by a Grant Review Committee established by the office to make recommendations. The office shall determine the final grant recipients and awards. The commonwealth’s share of the operating cost of any center funded under this section shall include a baseline grant award based on eligibility criteria and a proven track record and may also include an additional award based on performance levels set by the office that may include, but shall not be limited to, the volume of intakes, sessions and mediations during the immediate past performance cycle, the extent services are being provided to underserved or unserved areas of the commonwealth and the center’s contribution to identified community objectives within the geographical regions served.

(d) Community mediation centers applying for state-funded operating grants shall demonstrate compliance with eligibility criteria established by the office, including operational and structural criteria and requirements for matching funds. To qualify for funding, community mediation centers shall also comply with grant application procedures set by the office. The office shall consult with centers in establishing grant criteria and procedures.

(e) Applications to start a new community mediation center may be submitted at any time in the fiscal year; provided however, that the decision to provide grants shall be entirely dependent on available funds. The Grant Review Committee shall determine how closely the startup center's operating philosophy, organization, by-laws and other supporting documents reflect the office's eligibility criteria for community mediation. Priority shall be given to eligible start-up centers serving areas that have no existing community mediation centers.

(f) Payments to centers awarded grants under this section shall be made under contracts with the University of Massachusetts at Boston. The methods of payment or reimbursement for community mediation center operating costs shall be specified by the office. All contracts and methods of payment or reimbursement shall conform to this section and the rules and procedures of the office and the University of Massachusetts at Boston.

(g) The office may accept and disburse from any public or private agency or person any money for the purposes of this section and may perform such services and acts as may be necessary for the receipt and disbursement of such funds. A community mediation center funded under this section may accept funds from any public or private agency or person for the purposes of this section. The state comptroller, university controller, the director of the office and their authorized representatives shall have the power to inspect, examine and audit the fiscal affairs of state-funded community mediation centers.

(h) Each state-funded community mediation center shall provide the office with data on operating budgets, mediation and related services, and such other information the office may require periodically for monitoring, evaluation and reporting purposes. The office shall provide periodic progress reports to the program advisory committee and shall report annually to the governor, the chief justice of the trial court, the senate president, the speaker of the house of representatives, the chairs of the joint committee on higher education, the chairs of the joint committee on the judiciary and chairs of the house and senate committees on ways and means, on the operations, activities and accomplishments of the statewide program and the centers funded under this section.

Attachment II: Twelve Point Model

The Twelve Point Model for Massachusetts Community Mediation

- 1. Train community members, who reflect the community's diversity with regard to age, race, gender, ethnicity, income and education, to serve as volunteer mediators.**
The connection between the community mediation center and the community it serves is strengthened when the center's staff and volunteers reflect the diversity in the community. A sense of shared ownership with the community and the center develops, and community support is increased.
- 2. Provide a range of mediation services to address community needs, including but not limited to, housing, consumer, family, neighborhood, youth, school, and/or workplace mediation.**
Community mediation centers can best serve their constituency by providing general conflict resolution services that address a wide array of disagreements in addition to specialized services for technical or complex disputes when needed. Centers that offer general mediation services as well as specialized ones will address the diverse conflict needs of their community while satisfying programmatic requirements imposed by funding sources.
- 3. Provide mediation and conflict resolution services at no cost or on a sliding scale.**
Community mediation centers serve the community by providing community mediation and conflict resolution services to all segments of the community's population, irrespective of ability to pay.
- 4. Hold mediations in neighborhoods where disputes occur.**
Centers demonstrate their interest in building community and empowerment by locating mediation sites in the community. As a result, dispute resolution services become more accessible to community members, and a message is sent that the center is an integral part of the community. Mediation sites should be sufficiently numerous to accommodate the greatest number of residents. Neutral locations that are not intimidating, such as libraries and community centers are preferred.
- 5. Schedule mediations at a time and place convenient to the participants.**
To communicate respect for participants' convenience and to increase accessibility, community mediation services should be available at the broadest range of times possible.
- 6. Provide mediation at any stage in a dispute, including the early use of mediation for conflict prevention and collaborative problem-solving.**
Whether a conflict is pending or is ongoing at a low, intermediate, or high level of intensity, mediation can prove effective at preventing violence, resolving disputes and solving problems.
- 7. Mediate community-based disputes that come from diverse referral sources, such as community organizations, police, faith-based institutions, courts, community members, government agencies and others.**
Individuals involved in conflict may come to the attention of any of a number of organizations. In an effort to reach out to these disputants, centers should cultivate a broad network of referral agents. Mediation services will consequently become available to a greater number of community members and the center's community ties will be reinforced. As an added benefit, the center will avoid dependence on any particular referral source.
- 8. Educate community members about conflict resolution and mediation.**

The mission of community mediation includes empowering people in the community to acquire new ways to prevent, manage, and resolve conflicts in a peaceful manner. As people learn about mediation, they are more likely to use the service. Mediation education and outreach are therefore valuable tools for building positive social relationships, increasing community capacity for conflict resolution and reducing violence.

9. Maintain high quality mediation services by providing intensive, skills-based training, apprenticeships, continuing education and ongoing evaluation of volunteer mediators.

The success of community mediation depends on providing high quality services. Centers can and should encourage all mediators to continuously stretch and improve their mediation skills. Mediator training that involves basic and advanced mediation skills training, apprenticeships, continuing education opportunities, and ongoing evaluation will cement the stature of community mediation in the eyes of the community.

10. Work with the community in center governance and center development by involving community members as staff, volunteers, board members, and project partners.

Community mediation centers thrive when they are strongly supported by the community. Such support will be promoted by the participation of community members in governing the center and by obtaining funding from community sources. Furthermore, centers that apply collaborative problem-solving and other conflict management strategies to personnel issues and to their decision-making processes will advance effective governance while modeling dispute resolution for the community to emulate.

11. Provide mediation, education and other conflict resolution services to community members who reflect the community's diversity with regard to age, race, gender, ethnicity, income, education and geographic location.

Conflict is pervasive throughout society, and people in need of conflict resolution services are to be found in all segments of the community. In order to meet the community's needs, community mediation centers should ensure that no part of their community is denied their services.

12. Establish collaborative relationships with other service providers in the community to meet community needs.

Community mediation centers find their greatest success in meeting community needs when they embrace a comprehensive approach that takes advantage of the resources available in the community. By working collaboratively with other community organizations, centers help the community as a whole become empowered as its needs are served.

Attachment III: Indicators of Success

Performance indicators are measures that describe how well a program/center is achieving its objectives. They tell the program/center what and how to measure success. One of their primary uses of performance indicators is to develop measures as to what constitutes success, collect data indicating that success and communicate to sponsors/funders the results achieved by a program/center under each of the measures. Not all centers may meet all the success indicators equally. But it is important for each center to develop a method of systematically collecting data under each of the following indicators for the MA Community Mediation Grant Program (which have been revised since the Fiscal Year 2013 Mid-Year Program Report):

Quantitative Indicators

1. Scope of services:

- Number of informational inquiries
- Number of referrals (court-connected)
- Number of referrals (community-based)
- Number of intakes
- Number of mediations
- Number of mediation sessions
- Number of free mediation sessions with number of hours
- Number of sliding-scale mediation sessions with number of hours
- Number of persons served annually (includes all services)
- Name and number of cities, towns and counties served
- Number of pre-court cases/mediations
- Number of persons trained in basic mediation skills
- Number of persons trained in advanced mediation skills
- Number of hours of community education conducted by center
- Number of hours of community outreach
- Number of agencies center partnered with to conduct outreach
- Number of outreach materials developed
- Number of outreach events conducted
- Number of individuals participating/exposed to center outreach
- Number of multi-party disputes mediated
- Number of community locations/neighborhoods where mediation services are offered by center
- Number of schools, courts, housing agencies, social service agencies served by center in a fiscal year
- Number of organizations, agencies and groups referring disputes to center (court-connected and community-based)
- Categories of sources of case referral (self-referrals, police, courts, community organizations, civic groups, religious institutions, government agencies etc.)
- Number of persons trained in mediation from police, courts, community organizations, civic groups, religious institutions, government agencies etc.
- Number of dispute categories mediated by each center
- Number of youths served
- Number of peer mediators trained
- Number of neighborhood disputes mediated

- Number of workplace disputes mediated
- Number of truancy cases mediated
- Number of juvenile mediations
- Number of divorce mediations
- Number of parenting plans reached through mediations (full/partial/modifications)
- Number of school conflict mediations (successful/unsuccessful)
- Number of permanency mediations (successful/unsuccessful)
- Number of small claims mediations (avoiding trial yes/no)
- Number of summary process mediations (avoiding trial yes/no)
- Number of minor criminal mediations (successful/unsuccessful)
- Number of police calls avoided by mediation services

2. Volunteerism/donated services:

- Number of active volunteer mediators
- Number of active board members
- Number of active volunteer administrators
- Number of apprenticeships
- Number of student interns/internships in a fiscal year
- Number of pro bono hours donated by staff (mediation)
- Number of pro bono hours donated by staff (administration)
- Number of volunteer hours donated by volunteer mediators
- Number of hours donated by students
- Number of pro bono hours donated by board

3. Demographics

- Age, race, gender, ethnicity, income and education of community members served
- Age, race, gender, ethnicity, income and education of mediator pool
- Age, race, gender, ethnicity, income and education of staff
- Age, race, gender, ethnicity, income and education of board

4. Dispute outcomes

- Number of full mediated agreements
- Number of partial mediated agreements
- Number of referrals proceeding to mediation
- Agreement rate/settlement rate
- Rate of compliance with full agreements
- Rate of compliance with full partial agreements
- Number of successfully mediated District Court cases
- Number of successfully mediated Probate & Family Court cases
- Number of successfully mediated Juvenile Court cases
- Number of successfully mediated Superior Court cases

5. Fundraising:

- Amount of operational funds raised
- Number of grant applications developed and submitted
- Number of sponsors/donors providing financial support (fiscal year)
- Amount of funding raised (fiscal year)

- Number of fundraising events held
- Number of hours spent on fundraising

6. CMC GP:

- CMC GP funding utilization (as a percentage of total funding/% of total operational funding etc.)
- Funds leveraged using CMC GP funds (amount in \$s)
- Cost savings to the community (amount in \$s)
- Cost-savings to the court (amount in \$s)
- Number of community needs addressed
- Increase in referrals (court and non-court)
- Increase in staff number
- Increase in staff time
- Increase in number of volunteer mediators
- Increase in the number of free mediations (number of hrs./amount in \$s)
- Increase in number of subsidized mediations (number of hrs./amount in \$s)

Qualitative Indicators

7. Mediator excellence:

- Basic training and apprenticeship for new mediators.
- Compliance with court standards for mediator training & continuing education
- Opportunities provided for advanced trainings and/or specialized trainings
- Background information requirements for mediator candidates
- Written materials developed that describe center expectations and policies regarding mediator performance provided to new mediators
- Follow-up assessments of mediator performance after the volunteer mediators are added to the roster Evaluation conducted regularly and documented, including party feedback, observation, self-reflection, peer and/or supervisor feedback
- Practice requirements regarding number of mediation sessions conducted/year
- Fundraising to hire staff to accomplish mediator excellence goals goal

8. Client diversity:

- Instituting systems to track demographics of clients
- Identifying and implementing standards that guide center's pursuit of client diversity
 - Reliance on court-referred cases as assurance of client diversity
 - Parity with demographics of region served
 - Achieve geographic diversity
 - Embrace value of diversity irrespective of demographic representation
- Implementing a variety of methods to reach out to underserved segments of the community
 - Note: some centers explain the preponderance of low income clients using their services on the tendency of higher income parties to use either attorneys or private practitioners
 - Achieving greater mediator diversity
 - Reaching out to a variety of referral sources

- Note: some centers rely on their umbrella organization for a substantial proportion of their referrals
 - Conducting mediation skills training and conflict resolution education offered to different groups

9. Mediator diversity:

- Identifying diversity standards for center to aspire to
 - Increasing parity with population demographics of region served
 - Note: some centers seem content with a predominantly white mediator roster that reflects the predominantly white population of their region
 - Reducing over-representation of particular group among mediators
 - Reducing reliance upon mediators from particular occupation
 - Increasing minority representation among mediators irrespective of region's demographics because of
 - Value of diversity
 - Responsiveness to needs of potential minority clients, e.g. recruit bi-lingual mediators to address needs of particular segment of population
 - Redressing gender imbalance – over-representation of females among mediators.
- Taking steps to achieve mediator diversity
 - Celebrating volunteer mediators – CDSC Gala
 - Conducting outreach efforts to minority groups
 - Training, workshops, presentations
 - Conducting outreach efforts to males to address over-representation of females among mediators – reach out to such organizations as Elks, Rotary
 - Addressing overrepresentation of older, retired mediators by efforts to attract younger or lower income or employed individuals to volunteer as mediators
 - Attracting a younger crowd with flexible schedules by offering training to college students.
 - Note: sessions scheduled during working hours (e.g. court-connected cases), training fees, and the absence of payment to mediators constitute obstacles to successful recruitment efforts. Some centers offer scholarships to cover training fees.
- Taking steps to meet challenge of decreased funding
 - Challenge: some centers have discontinued their recruiting efforts because of lack of funding
 - Partnering with other centers to recruit more volunteer mediators.

10. Community awareness:

- Increasing visibility and utilization of community mediation through a variety of methods and venues
 - Participation in community events, professional forums
 - Using media
 - Press releases
 - Interviews
 - Appearances & messages on radio and local cable TV shows
 - Newsletter
 - Listservs
 - Website
 - Social media

- Facebook page
 - twitter
- Participating at local/regional events
 - Fairs
 - Conferences
- Presentations and/or membership in community organizations
 - Chambers of commerce
 - Housing authorities
 - Human service organizations
 - Cultural organizations
- Providing passive information through brochures and fliers made available in a variety of venues: churches, police departments, public libraries, town halls, veteran's organizations, courts, colleges, Laundromats, colleges
- Offering trainings to groups and to public at large
 - Peer mediation programs at schools
 - Training provided to retired judges (FSMP)
 - Cultural organizations
 - College
 - Professional associations
 - Social service providers
 - Civic organizations
- Conducting workshops for various groups (e.g., see above)
- Networking with town officials, clergy, business people, advocates, other CMCs

11. Financial independence:

- Increasing outreach to a variety of potential funding sources – government entities at all levels, local/regional commercial organizations, foundations, generous individuals
- Funding campaigns/appeals to community at large
- Taking steps consistent with a social enterprise model while continuing to protect the center's commitment to serving low income and underserved populations
 - Creating fee-for-service opportunities
 - Sliding scale fees for certain disputes or certain parties (e.g. business-business disputes), with availability of waiver
 - Training fees, with availability of waiver

12. Diversity of disputes serviced:

- Increasing efforts to get referrals from a variety of sources
 - Some centers are satisfied with the diversity of court-referred cases
- Developing mediator expertise with a variety of dispute types
- Involving mediators with identities and skills that are responsive to needs of particular groups
- Increasing the number of courts that center is certified to work with

13. Community involvement:

- Increasing efforts at outreach and education to local civic organizations, cultural organizations, etc.
 - Increasing training opportunities and conflict resolution education
- Increasing geographical accessibility to mediation services
 - Use sites that are accessible to public transportation & parking

- Use a variety of sites throughout area on an as-needed basis
- Increasing scheduling flexibility
 - Scheduling evening and week-end hours in addition to day-time
 - Note: one center reached out to litigating parties to schedule mediation sessions before the trial date until funding cuts ended the practice (MSI)

14. Social capacity for conflict resolution:

- Centers accepting all level of disputes
 - Centers may screen disputes for appropriateness for mediation
- Centers contributing to conflict reduction by --
 - Providing mediation services
 - Having a beneficial monetary impact on community
- Centers engaging in conflict prevention efforts
- Centers handling high intensity disputes
- Centers providing training in conflict resolution and management skills to community
- Centers partnering with other community organizations to serve community

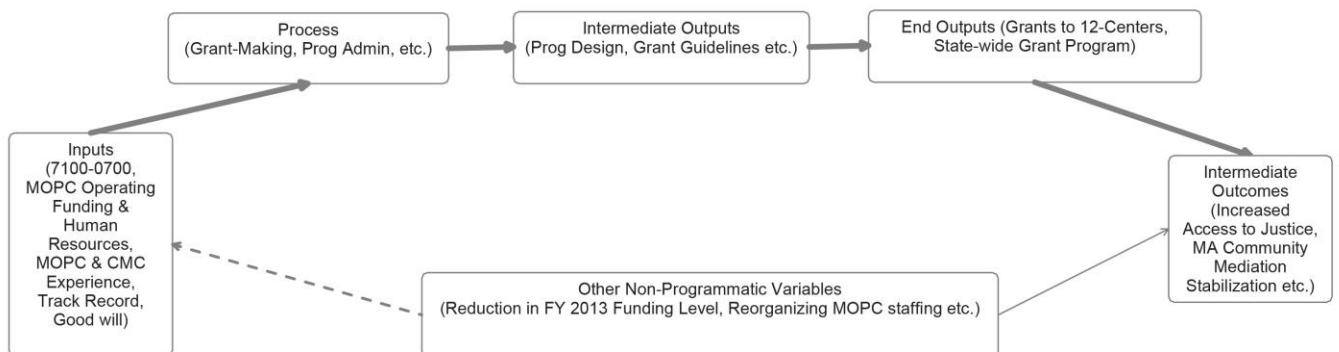
15. Use of technology

- MADtrac case management database
- Skype for telephone mediations
- Google Calendar
- Weave data visualization/mapping

Attachment IV: Logic Model

Logic models are commonly used to evaluate projects and programs. The Logic Model described below has been developed to evaluate the MA Community Mediation Center Grant Program. The Logic Model will enable the examination of components of a program and distinction between inputs, outputs, processes, and outcomes. Logic models typically contain the following components:

- Inputs: Resources used in a process (e.g., the technical, financial, and human resources contributed).
- Processes: Workload or activities (e.g., grant-making).
- Intermediate outputs: Early products and services delivered from a process (e.g., grants).
- End outputs: Subsequent products and services delivered from a process (e.g., state-wide performance-based grant program).
- Intermediate outcomes: Conditions outside a process that precede the desired end result (e.g., stabilization of Massachusetts community mediation).
- End outcomes: The end result sought (e.g., increased access to justice for Massachusetts residents).



See the CMC Grant Program Logic Model in the next page.

Problem Statements	Goal	Output Indicators (intermediate)	Outcome Indicators (intermediate & End)	Means of Verification	Risks / Assumptions
	Purpose				
<p>Despite strenuous fundraising efforts by centers, the withdrawal of state-funded court contracts for community mediation services in Fiscal Year 2009, due to the latest economic downturn, undercut center performance, leading to contraction of services and, for some centers, looming extinction.</p> <p>In response to this dire situation, in Fiscal Year 2011, an informal alliance of 14 centers (the Community Mediation Coalition of Massachusetts or CMCM) turned to MOPC – the statutory state agency for dispute resolution (G. L. c. 75, s.</p>	<p>The goal of the Massachusetts Community Mediation Center Grant Program (“CMC Grant Program”) established by G. L. Ch. 75, Section 47 and administered by MOPC at the University of Massachusetts Boston is to broaden access to dispute resolution for all Massachusetts residents by promoting community mediation as a cost-effective public</p>	<ul style="list-style-type: none"> • A state-wide performance-based grant program for funding Massachusetts community mediation was developed in Fiscal Year 2013. • 15 centers covering all geographic regions qualified to receive state operational funding in October 2012. • \$472,000 in annual operating grants to community mediation centers across the state were released in October 2012. • Full-time or part-time staff hired by Massachusetts community mediation using unrestricted state operational grants in Fiscal Year 2013. • 502 volunteer 	<ol style="list-style-type: none"> 1. Increased access to justice through largely free or subsidized mediation services for Massachusetts residents, particularly low-income residents. 2. Stabilization of grantee center operations. 3. Increased accessibility and continued growth of community mediation infrastructure/ community justice services and resources through state-investment-leveraged fundraising 	<ul style="list-style-type: none"> • Program design document with implementation plan/timeline • Job descriptions of new hires • Program policies, procedures, and forms • Program administration practices documentation • Outreach materials and website • Grant guidelines and Grant Application Request (GAR) • Grant Application Form • Evaluation Plan, instruments, data and evaluation reports • Minutes of conference calls/meetings/focus groups 	<p>All center personnel will strive to comply with the established Twelve Point model of community mediation at all times.</p> <p>All centers will support the data collection, M&E and research initiatives of MOPC.</p> <p>All centers will provide accurate information about their center operations and community impact.</p> <p>Massachusetts legislative champions will continue to lead the legislative advocacy and fundraising effort.</p>

<p>46) – for assistance in exploring options for state funding of center operations through the University of Massachusetts Boston. A collaborative effort was set in motion involving legislative leaders, CMCM members, MOPC and the University, to create opportunity out of crisis and use the centers’ financial woes as an occasion for investigating ways to implement a state-wide vision and mission for community mediation.</p>	<p>service.</p>	<p>mediators trained to provide mediation services in their communities by 15 centers in Fiscal Year 2013.</p> <ul style="list-style-type: none"> • 4,219 mediations for primarily low income residents of Massachusetts in Fiscal Year 2013. • 3,022 fully or partially resolved conflicts for state and local government, courts, schools, police departments, businesses and communities in Fiscal Year 2013. • One model new community mediation program design, grant application request and application form were developed in July 2012. • Grant application requests were issued and applications from 16 centers collected in August 2012. • A model new program administration practices, including 	<p>and emergence of new centers in under-served communities.</p> <ol style="list-style-type: none"> 4. \$8 million or more in cost-savings through avoided conflicts within courts, schools, business and communities. 5. Community mediation as a public service within higher education. 6. Alignment of community mediation centers, MOPC and UMASS Boston for effective deployment of public resources. 7. Building on existing conflict resolution infrastructure that the state and other sponsors have 	<ul style="list-style-type: none"> • The community mediator excellence program design • Engaged UMass students and faculty on service learning • Names/profiles of Grant Review Committee members • Grant Applications from CMCs with supporting documents • Grant award notifications • Contracts with CMC grantees • Grant fund payments to CMCs • Names/profiles of Advisory Committee members • Case/Data Management System • Case/Data Management System procurement documents • Data Management System training documentation • Data Entered into the Case/Data Management 	
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		<p>baseline and performance-based funding model were developed in July 2012.</p> <ul style="list-style-type: none"> • A Model new community mediation webpage was developed in July 2012. • One MADtrac case management system and STATtrac statistical data aggregation system provided to 14 centers for recording center-level activities and impact were customized and deliberated in June 2013. • One MADtrac case management system hands-on training event was held in May 2013. • A 3-member Grant Review Committee was appointed in 2012. • A 12-member Program Advisory Committee representative of major stakeholders • Two Program advisory committee meetings were held in 2012 and 2013. • Two monitoring and 	<p>been investing in for years eliminates duplication of efforts.</p> <p>8. Leveraging newly funded, existing, community mediation infrastructure to address growing community dispute resolution needs (e.g. foreclosure mediation).</p> <p>9. Formal partnerships among CMCs, public agencies and other stakeholders.</p> <p>10. UMass Boston will become a national leader in CM programming and research.</p> <p>11. UMass Boston Students will be involved in providing community dispute</p>	<p>System</p> <ul style="list-style-type: none"> • Reports/presentations to Program Advisory Committee • Annual written report to Legislature, Governor and Court • Research reports on community mediation • Publications 	
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		<p>evaluation surveys were conducted of community mediation centers (October and December 2012), Grant Review Committee and program advisory committee (September and October 2012).</p> <ul style="list-style-type: none"> • Two meetings on program implementation, data collection etc. were held with funded community mediation centers. • Two reports and presentations given to Program Advisory Committee in December 2012 and March 2013. • One Mid-year progress report to Legislature, Governor and Court in January 2013 (a comprehensive 100-page report on 6-months of program implementation and impact including a cost-benefit analysis was delivered in January 2013). • Legislative briefing held at the State House on 	<p>resolution services at community mediation centers state-wide.</p>		
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		<p>January 16th attended by over 50 legislators and/or their representatives.</p> <ul style="list-style-type: none"> • Program advocacy to legislative leaders, governor, University (meetings with Senator Downing, Rep. Peake, A&F Budget Analysts, Vice Provost for Government Relations at UMass Boston, UMass President's Office etc.) • Research and scholarly publications (e.g., Legislative Study, NSF study with Bentley University) • Legislators actively championing community mediation (46 Representatives and 27 Senators) • Applications seeking additional extramural funding (e.g., AGO HomeCorps grants and foreclosure mediation) • 			
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