

RSI

Summary of Survey Responses

16th Judicial Circuit of Illinois Eviction Mediation Program
July to September 2023

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RESOLUTION SYSTEMS INSTITUTE | ABOUTRSI.ORG

Acknowledgements

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Background

In 2021, the Kane County court launched a video mediation program for eviction cases; this program is administered and continuously evaluated by RSI. Parties are informed of this program when they receive their summons. At their initial hearing, which they can attend either by Zoom or in person, they are invited to join the mediation program. If they decide to participate, tenants connect with the program coordinator and/or a program associate; at this point, tenants are regularly referred to rental assistance applications, financial counselors, and/or a legal services representative.

After making initial contact with the tenant, the coordinator schedules the mediation on a date prior to the next hearing. Parties are not required to have an attorney to participate in mediation; however, if they have an attorney then their attorney must participate. Additionally, an attorney can participate on the party's behalf (and therefore that party does not need to be present at the mediation) if the attorney has full settlement authority. Most mediations are conducted on Zoom; occasionally, mediations are held in person at the Kane County Courthouse. Mediations are performed by roster mediators paid through grant funds.

After each mediation, participating parties and attorneys are invited by email to complete a survey online about their experience. Their responses are outlined in this report, which includes survey responses for mediations held between July 1, 2023 and September 30, 2023. During that time, 174 mediations were held. Not all participants in eviction mediations completed the survey; throughout this report, the number of responses received is indicated by n.

At least one tenant attended each of the 174 mediations held. For those 174 mediations, tenants completed 21 surveys, accounting for 12% of the cases mediated. Only one landlord completed a survey. Landlord attorneys completed 8 surveys and tenant attorneys completed 3 surveys.

We asked participants a variety of questions in their post-mediation survey. This report focuses on fairness, trust, and satisfaction questions to glean participant perspectives on the mediator and the mediation. Participant comments are presented verbatim except when the comment could not be understood as written, or when redaction was necessary to maintain confidentiality. Please note that throughout this report, we use the term "tenant" to refer to renters and condo/homeowners facing eviction from their condo/homeowner's association; we

use the term “landlord” to refer to anyone who attended mediation for the plaintiff: landlords (property owners), property managers, condo/homeowner association representatives, and bank lender representatives.

Perception of the Mediator

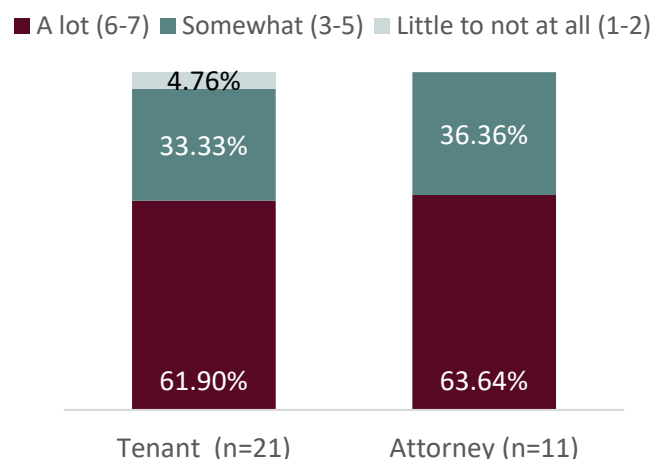
We asked parties and their attorneys several questions to evaluate their perception of the mediator. Two of these questions were whether they felt the mediator treated them fairly and whether they trusted the mediator. The participants then responded according to a seven-point scale, which we consolidated into three categories: low (1-2), medium (3-5) and high (6-7).

Almost two-thirds of participants gave high ratings for mediator fairness and trust. However, respondents tended to rate mediator trust lower than mediator fairness. For example, fewer than 3% of respondents thought that the mediator did not treat them fairly, while 15% of respondents had low trust in the mediator. There was a similar, albeit smaller, shift observed in the positive ratings, with 63% of respondents rating the mediator as very fair, compared to 58% who had a high trust in the mediator.

Mediator Fairness

We asked our participants how fairly they felt the mediator treated them/their side. A total of 33 participants responded to this question, including 21 tenants, 11 attorneys, and one landlord. The one landlord who completed a survey rated mediator fairness very highly. **The responses were largely positive, with 21 of 33 respondents (63%) giving a rating of 6 or 7.** Only one respondent – a tenant – rated mediator fairness as a 1 or 2.

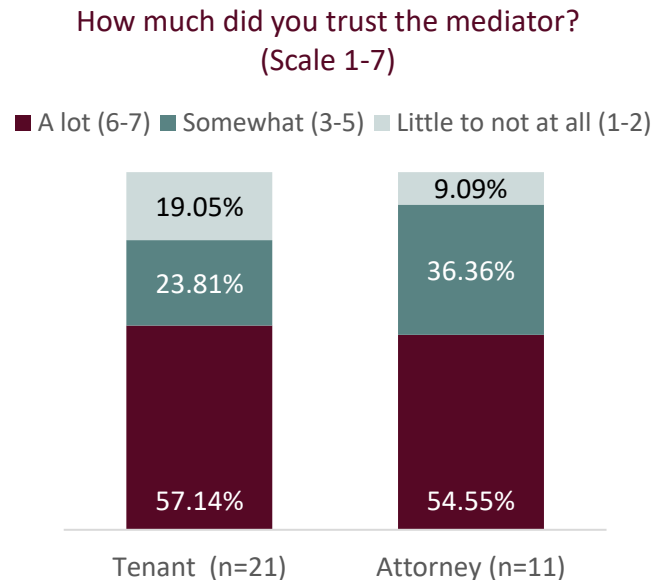
How fairly did the mediator treat you or your side? (Scale 1-7)





Trust in the Mediator

We asked our participants: “How much did you trust the mediator?” A total of 33 participants responded to this question, including 21 tenants, 11 attorneys, and one landlord. **The responses were largely positive, with 19 of 33 respondents (58%) giving a rating of 6 or 7.** The one landlord who completed a survey rated mediator fairness very highly. However, 5 of 33 respondents – four tenants and one attorney – responded that they had little to no trust in the mediator, giving a rating of 1 or 2.



Perception of the Program

We asked parties and their attorneys several questions to evaluate their perception of the mediation program as a whole. We specifically asked: “Overall, how fair was the mediation process?” and “If a friend (or colleague) had a dispute like yours, how likely are you to recommend mediation?” The participants responded according to a seven-point scale; we merged their responses into three categories: 1-2 (little to not at all), 3-5 (somewhat), 6-7 (a lot). Participants were also asked to give comments to explain their scale ratings.

While 62% of respondents felt that the mediation process was fair, 67% of respondents said that they were highly satisfied (that is, they were highly likely to recommend mediation to a friend or colleague). On the other hand, a higher percentage of parties were dissatisfied with mediation than believed the mediation was unfair, with 17% saying they were unlikely to recommend mediation to a friend or colleague and 10% giving a low rating for fairness of the mediation process.



Fairness of the Mediation

We asked our participants: “Overall, was the mediation process fair?” A total of 29 participants responded to this question, including 20 tenants and 9 attorneys; no landlords responded to this question. **The responses were largely positive, with 18 of 29 respondents (62%) giving a rating of 6 or 7.** However, three tenants responded that they had little to no trust in the mediator, giving a rating of 1 or 2.

Tenant Comments

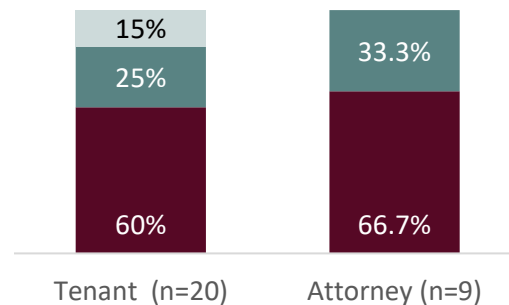
When asked to explain their answers, tenants who gave high ratings to the fairness of the mediation process mentioned that their mediator was thorough and focused on the tenant’s future goals. A few high-rating tenants enjoyed that the program connected them to rental

assistance and other resources. Below are some representative comments.

- “They* were very kind and made sure I understand everything they made sure they understood everything I was saying and **even helping me make a good decisions** they were very respectful to me it was a very good experience!”
- “I never been in situation like this Hopefully things will change on my favor and I will solve this issue with pleasure. Thanks“
- “I like the way they stood up for me, and if I didn't agree, they made sure the property lawyer understood, and they didn't let them push me”
- “I was approved for Court Based Rental Assistance and the mediator advised me of my rights and contacted the owners to help to see what my options are.”
- “They listened to both sides of the story and then when I went down to the clerk's office to fill out the questionnaire things I had problems because I don't understand too well and I went back up and they helped me fill those out and I appreciate it”
- “I have applied for rental assistance, so I'm hoping that will come through. I'm still scared, but **I'm so grateful for the court mediation. It gives me a chance.** Thank you.”
- “Ask for what we wanted and they basically fought for us to get it”

Overall, was the mediation process fair?
(Scale 1-7)

■ A lot (6-7) ■ Somewhat (3-5) ■ Little to not at all (1-2)



* All gendered pronouns referring to mediators, parties, or attorneys in comments were replaced with “they,” “them,” or “theirs” to protect confidentiality.



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- “It was pretty straightforward because I was able to pay for the fees that were required.”

When asked to explain their answers, tenants who rated the overall process as somewhat fair were focused on speed and the mediator’s relationship with the landlord. They stated:

- “I felt because the lawyer and the mediator were familiar with one another they may have been more partial to the landlord”
- “They tried to do everything very rapidly”

When asked to explain their answers, two tenants who gave low ratings to the fairness of the process felt that the program and mediator were biased towards the landlord. They stated:

- “They are there to mostly help the landlord”
- “I feel as if, regardless what was disclosed, my landlord and their attorney pushed too hard at a hard no to mediation, not giving me a chance, and **the mediator seemed to take what I had to say about the situation with a grain of salt.**”

Landlord Comments

The landlord did not respond to this question.

Attorney Comments

Only one attorney who gave a high rating for process fairness provided additional comments. They stated: “The mediator was extremely polite and respectful and allowed my client to express their concerns throughout the negotiation process. **They always maintained a very sympathetic demeanor but without conveying any negative impression of the landlord.** They did a really good job.”

When asked to explain their answers, the two attorneys who rated the overall process as somewhat fair and provided comments stating:

- “Despite the mediator's demeanor they were equally fair, although ineffective.”
- “I felt that the opposing party was provided too much time to simply vent about things that had not relevance to the actual proceeding and **I was disappointed that the mediator allowed the opposing side spend valuable time on issues irrelevant to the case.**”

No attorneys gave low ratings for process fairness; however, one attorney provided comments on process fairness without a rating. They indicated that mediation places too much financial burden of on the landlord, saying: “**In my opinion, the mediation process is not fair to the**



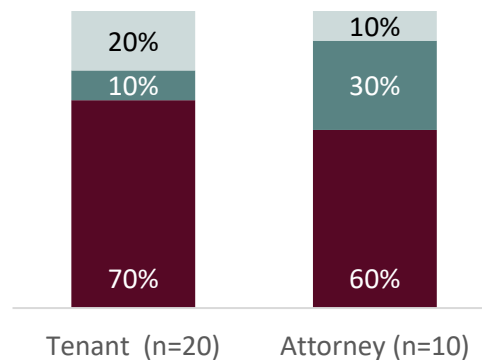
Landlords. I have participated in many of these now. The time that it takes to mediate averages about an hour and a half. This one took two hours. I bill my clients for this time, but the Landlords are routinely unable to recover these fees, and that is simply unfair and unjust in many instances. Forcing mediation, but not allowing the parties to enter into an agreement that they both agree to is frustrating.”

Satisfaction

We asked tenants and landlords how likely they were to recommend eviction mediation to a friend. We asked attorneys how likely they were to recommend eviction mediation to a colleague. Thirty participants responded to this question, including 20 tenants and 10 attorneys; the landlord did not respond to this question. **The responses were largely positive, with 20 of 30 respondents (67%) giving a rating of 6 or 7.** However, 5 of the 30 respondents (17%) – including four tenants and one attorney – responded that they were unlikely to recommend mediation to a friend or colleague, giving a rating of 1 or 2

If a friend/colleague had a dispute like yours,
how likely are you to recommend eviction
mediation? (Scale 1-7)

■ A lot (6-7) ■ Somewhat (3-5) ■ Little to not at all (1-2)



Tenant Comments

When asked to explain their answers, tenants who said they were very likely to recommend mediation to a friend noted that mediation is helpful for having their voice heard and connecting them to resources. Representative comments are below.

- “It help me save my place and gave me the time to pay like I wanted to”
- “I would recommend all mediation options; **sometimes tenants are unaware of the resources available due to lack of communication or shame.**”
- “Like I said previously **they were there to help me when they really didn't have to** I just don't understand the law very well”
- “This is a great program. When people go through a difficult time, this program gives them a chance.”



- “I do think meditation helps in any situation whether it is an eviction or a disagreement it is a place to have your voice heard.”
- “I was strongly encouraged by the bailiff and the judge to take mediation [prior] to my first appearance in court, and during the court proceeding. It helps if you don’t have to keep going to court.”
- “It's positive because you can talk and express your point of view”

When asked to explain their answers, tenants who said they were somewhat likely to recommend mediation to a friend mentioned that mediation is a personal choice. They stated:

- “It's up to him (her) to choose or not to choose medication”
- “I would do it but I would advise them to have more patience.”

When asked to explain their answers, tenants who said they were not likely to recommend mediation to a friend mentioned the shortness of the mediation and a perceived bias towards the landlord. They stated:

- **“It doesn't help the tenant. At all. It helps landlords.”**
- “I don't feel as if anything was taken care of. The meeting was very short and abrupt.”

Landlord Comments

The landlord did not respond to this question.

Attorney Comments

Only one attorney explained why they were highly likely to recommend mediation to a colleague. They said: **“We made the exact same settlement offer that was accepted at mediation to the landlord's attorney months ago and they never responded in any way despite multiple phone calls.** I assume this was on their client's instructions. Because of the mediation process, I believe they would have continued stonewalling us.”

Only one attorney explained why they were not likely to recommend mediation to a colleague. They said: “The lengthy mediation process is not helpful in my view. **Before this system was implemented, and still now (in other counties), I am often able to reach agreements with the tenants within 5-10 minutes in the hallway outside the Courtroom.** There is no need for the mediator, in my opinion.”



Additional Participant Comments

We asked participants for additional comments about their experience in mediation, particularly what positives and negatives they perceived about the process.

What Participants Liked about Mediation

We asked tenants and landlords to tell us what they liked about mediation; we asked attorneys to tell us what made their mediation effective. Below are some representative comments.

Tenant Comments

Tenants liked that mediation encourages parties to be honest, honorable, and respectful; and they welcomed the ability to explain their positions and circumstances. However, a couple of responses said that they did not like anything about their mediation. They said:

- “It was nice & fair”
- “They were understanding they made sure I understood everything like I said before it was a great experience”
- “Nothing at all. Had a bad experience.”
- “Honestly on both sides”
- “Everyone has their own reasons for difficulties. **I got a chance to say how this happened and also how I can prevent it from happening in the future.** I'm thankful for everyone who has helped me through this and being treated fairly and with respect. **This program is a life preserver to a drowning person.** Thank you.”
- “They’re better than hiring a the lawyer”
- “They mediation process was honorable and respectful, and **I felt the mediator was impartial and kind.**”

“Everyone has their own reasons for difficulties. I got a chance to say how this happened and also how I can prevent it from happening in the future. I'm thankful for everyone who has helped me through this and being treated fairly and with respect. This program is a life preserver to a drowning person. Thank you.”

- Tenant



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- “That **they are helpful and caring** and want to hear what you have to say”
 - “They listen to us and help the parties to express their concerns.”
 - “At least give you a chance to get help on evictions”
 - “N/A.”
 - “**I like the fact that the landlord is now willing to be reasonable**, whereas, they weren’t before.”
 - “**It provided me with the opportunity to speak on my behalf** regarding the case...and what circumstances led to the entire situation”
 - “I like that there is always someone there to help you, with a decision with both parties”
 - “It was relaxed”
 - “The mediator was personable and calm.”
 - “The seriousness”
 - “I like it because I can really hear the other party and there is someone neutral that tries to help us reach an agreement”

Landlord Comments

The landlord did not respond to this question.

Attorney Comments

When asked what made mediation effective, attorneys found that mediation fostered a collaborative environment. They said:

- “The parties were reasonable and cooperative”
- “Generally, I feel the process is beneficial and in the long run probably cost effective for both parties.”
- “[Name redacted to protect confidentiality], the mediator, allowed the Plaintiff to state the amounts owed and the basis for the amounts owed. Then, they allowed the Defendant state why they believed the amount owed is incorrect. Then, they constructively worked with the parties to sort out the difference in figures which ultimately led to an agreement.”

What Participants Did Not Like about Mediation

We asked tenants and landlords to tell us what they didn’t like about mediation; we asked attorneys to tell us what, if anything, could be improved about their mediation. Below are some representative comments.



Tenant Comments

Tenants tended to focus their dislikes on the short timeline for mediation and their perception that the program was biased towards the landlord. However, seven tenants responded that there was nothing that they disliked about mediation. Representative comments are below.

- “There's nothing I didn't like they were great!”
- “The mediator is on the landlord side to help them evicted you. They are not there to help the tenant at all and want you to get kick out your place with a eviction on your record”
- “Timing was very short”
- “It was not anything I didn't like”
- “The fear and anxiety caused a few sleepless nights. But it was about the whole situation, and facing that in court (which was scarier than mediation).”
- “It didn't work all the way to what we wanted...”
- “To keep it simple, everything.”
- **“I feel like I was gaslit by the Lawyer, and they, as well as the mediator didn't want to hear my side about my landlord, treating me unfairly,** by not working with me, and refusing to accept rental assistance before mediation, including locking my rental account online to prevent me from making payments towards my rent.”
- “I have no complaints about the mediation. I believe it is an excellent resource.”
- “No help”
- “They wanted to do everything rapidly”
- “That there aren't any other options than a final solution”

Landlord Comments

The landlord did not respond to this question.

Attorney Comments

When asked what could be improved about the mediation, attorneys often mentioned that mediators needed more technological training. They said:

- **“The mediator seemed poorly trained and operated more like a Judge ordering us to give them information they need because they were very focused on strictly adhering to the formal requirements of the Agreed Order they chose.** They did not seem to be listening to either side on pertinent details. They then kept us on zoom while they drafted the agreed order for 30 minutes after the scheduled end time of the mediation and made 6-7 significant mistakes.”



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- “The mediator had a poor internet connection and could have been a bit more prepared”
 - “Nothing.”
 - **“There are some cases that are not conducive to mediation** and I feel that the mediators need to be more strict on allowing people unlimited time to vent about topics more appropriate for a therapeutic setting than a mediation regarding a pending legal matter.”
 - “Nothing.”

Other Comments

We asked our participants if they had any anything else they would like to tell us. Below are some representative comments.

Tenant Comments

- “I pray i win my case in court”
- “I recommend this program wholeheartedly!”
- “I don't feel as if I was heard by either party- being mediator or landlord aside from myself.”
- “You guys are doing a great job helping families.”

Landlord Comments

The landlord did not respond to this question.

Attorney Comments

- “Despite a good relationship between both sides this was an arduous and extremely trying experience. **I almost always feel mediations are a useful tool but this would have led to a better resolution outside of mediation.**”
- “Even though they started with their camera on, the mediator had their camera off the entire time. **They did not seem to comprehend what was being said by the Tenant or Landlord. The Mediator spent over 25 minutes trying to share their screen to fill out the agreed order.** They were never able to share their screen. Seems like they did not know how to work the technology of zoom and the court pdfs.”
- “The mediator did a very good job.”
- “Job well done.”

Conclusion

The survey responses indicate that the 16th Judicial Circuit of Illinois' Eviction Mediation Program continues to provide a positive experience to most participants. Those who completed the survey generally had positive perceptions of the mediators and the program, with the majority giving high ratings on fairness, trust and satisfaction. However, some participants' comments point to a possible need for individual mediators to receive more instruction on technology, time management, and neutrality.