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Welcome to the inaugural edition of Resolution Systems Institute's *Court ADR Connection*! Here you can find a collection of the latest research, news and events related to court ADR around the country, brought to you by the only organization dedicated solely to improving the use of ADR by courts. We are very grateful to the JAMS Foundation for making this publication possible.

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## Court ADR News

### Connecticut Establishes Statewide Foreclosure Mediation Program

*June 25* — A new state law requires administrators in each Connecticut district court to establish foreclosure mediation programs by July 1. Actions to foreclose mortgages on residential properties may be sent to mediation at the request of the borrower, who must be notified by the lender of the option to mediate. Mediations will be conducted by trained court staff members. Mediators will be required to report to the court on which issues were or were not settled at the close of mediation. Under the law, the mediation programs will only run for two years, not accepting new cases after July 1, 2010.

To read the full version of the new law, codified as Sections 16-20 of Public Act 08-176, click [here](#).



## Philadelphia Launches Mortgage Foreclosure Conciliation Pilot Program

*June 13* — Courts in Philadelphia County, Pennsylvania, launched a mortgage foreclosure conciliation pilot program this month to help manage the growing number of foreclosures in the area. The Residential Mortgage Foreclosure Diversion Pilot Program requires borrowers and lenders to attend "conciliation conferences" prior to foreclosure, where they will work with case managers to identify other possible courses of action. The county has delayed all sheriff sales of foreclosed properties until July in order to give more homeowners and lenders the opportunity to participate in the program. The pilot program was established as part of a larger initiative being spearheaded by Philadelphia Mayor Michael A. Nutter to respond to the foreclosure crisis in the city.

To read the Philadelphia County Court of Common Pleas' regulation establishing the program, click [here](#).



## Alabama Enacts Testimonial Immunity Act for Mediators

*June 3* — A new Alabama statute protects mediators from being compelled to disclose information gained during mediation. The immunity applies in "any adversary proceeding or judicial forum," and covers all written documents, oral statements and actions taken by any party during the mediation process. The act's definition of a mediator includes "any co-mediators, employees, agents, or independent contractors of the mediator or co-mediator, and any person attending or observing the mediation for purposes of training." The act was signed into law by the governor on May 16 and went into effect immediately.

For the full text of the act, visit the Alabama Legislative Information System Online [web site](#).



## Colorado Authorizes Use of Restorative Justice Programs for Juvenile Offenders

*June 2* — The Colorado state government recently enacted legislation specifically authorizing the use of restorative justice in the court system's juvenile diversion program. Judges are now allowed to offer juvenile offenders the option of voluntarily participating in restorative justice programs, such as victim-offender mediation. The bill, which received strong support in both the House and the Senate, was signed into law on March 31.

For more information about the bill, visit the Colorado state government [web site](#). To read the full text of the bill, click [here](#).



## Ohio County Court, University Launch Juvenile Court Victim-Offender Mediation Program

*June 2* — Court administrators in Putnam County, Ohio, have partnered with students and faculty at Bluffton University to establish a voluntary victim-offender mediation program for juvenile offenders. Cases are referred by judges

and mediated by Bluffton students, faculty or community members, who are trained through the mediation program at Bluffton. The program, which began in April, brings juvenile offenders and victims together in an attempt to reach a settlement outside of the traditional court process. According to an article in the *Toledo Blade*, court administrators said the program was designed to decrease court costs and reduce the number of repeat juvenile offenders in the system.

For more information about the program, visit the Bluffton University [web site](#). To read the article about the program from the *Toledo Blade*, click [here](#).



## Kentucky Courts Adopt Criminal Mediation Pilot Programs

*May 30* — Circuit courts in two Kentucky counties established criminal mediation pilot programs in late March. Under the programs, retired judges mediate felony cases before trial. Defendants and their counsel, prosecutors, and sometimes crime victims attend mediations. In mediations that reach settlement, the defendant enters a guilty plea and the terms of the mediation agreement are submitted to the court for the presiding judge's approval and entry as a plea agreement. The Boyd and Clay county courts are only the second and third courts in Kentucky to use criminal mediation, which was first adopted in Boone County in 2005.

To read a press release on the program in Clay County, click [here](#). For a press release on the Boyd County program, click [here](#).

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## Research Update

### DOJ Study Identifies Benefits of Federal ADR Programs

A recent study on the use of alternative dispute resolution processes by the federal courts identified several benefits of ADR as compared to litigation. The report, "Dispute Resolution and the Vanishing Trial: Comparing Federal Government Litigation and ADR Outcomes," written by Lisa Bingham, *et al*, involved an analysis of more than 15,000 civil cases filed with federal courts between 1995 and 1998. The authors found that 65% of cases where mediation was used settled, compared to 29% of cases that settled when ADR was not used. Cases referred to ADR were also found to be more likely to settle when the referral was voluntary, rather than mandated by the court. Assistant United States Attorneys also estimated significant cost and time savings for cases that went through ADR.

Download the full report at the Social Science Research Network [web site](#).

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# On Court ADR.org

## New: "What's Your Survey Telling You?"

Common sense says that the way a question is phrased will affect the answer it's given, and research has shown this to be true. Knowing this fact does not make writing effective surveys any easier, however. In this article from the November 2007 issue of *Physics Today*, Rachel Ivie and Roman Czujko provide advice on wording questions, designing answer options and formatting surveys in order to help increase response rates and ensure the information gathered is relevant and useful. This is a valuable resource for anyone involved in monitoring and evaluating ADR programs.

The full version of "What's Your Survey Telling You?" is available under [Related Links](#) in the Court ADR Instruction Manual's [Monitoring and Evaluation](#) section.

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