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RESOURCES / STUDY / INNOVATION FOR COURT ADR



COURT ADR CONNECTION

The eNewsletter of Resolution Systems Institute

November 2009

The latest edition of RSI's *Analyzing the Alternatives* newsletter is highlighted this month. The newsletter offers an in-depth review of RSI's Statewide Mediation Access Project, and profiles a new community mediation center providing pro bono services in southern Illinois.

The Court ADR News section highlights a proposal to make mediation mandatory for foreclosure cases in Ohio, as well as new mediation programs recently established in a Texas county court system. The New Research section features a chapter in the upcoming *Oxford Handbook of Empirical Legal Studies* that reviews recent studies of ADR.

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RSI Update

Latest Edition of Analyzing the Alternatives Available Online

RSI recently published the Summer/Fall 2009 edition of its semiannual newsletter, *Analyzing the Alternatives*. This edition reviews the success of RSI's Statewide Mediation Access Project, in which RSI partnered with courts and communities in Illinois to develop mediation services for poor and low-income populations. The newsletter also profiles a new community mediation center in southern Illinois, and highlights new ADR-related case law and changes to the Illinois rules of professional conduct for lawyers.

To read the latest edition of *Analyzing the Alternatives*, click [here](#). To subscribe to the newsletter, click [here](#).

Court ADR News

[Ohio Legislator Proposes Mandatory Foreclosure Mediation](#)

A bill proposed by an Ohio legislator this month would make mediation mandatory for most foreclosures of owner-occupied homes in the state. Mediations would be conducted by mediators who meet training requirements set by the court. The bill proposes a new \$500 filing fee for foreclosure cases, to be paid by the lender, in order to fund the new program. The Ohio court system was one of the first in the country to adopt foreclosure mediation programs; since 2008, each county in the state has offered a voluntary mediation program. However, it is unclear how successful these programs have been. The 2008 annual report on Ohio's Save the Dream program, which is geared toward preventing foreclosures, reported that collecting information on the effectiveness of the new mediation programs was difficult because each county recorded and maintained data differently.

To read the full proposed bill, click [here](#). For the Save the Dream 2008 Annual Report, click [here](#).



Texas County Adopts ADR System

Hays County, Texas, recently adopted a court ADR system to provide voluntary mediation services for family and civil disputes. Cases will be mediated by a local community mediation organization, Central Texas Alternative Dispute Resolution. According to *Newstreamz San Marcos*, CTADR will limit the cases it will mediate to civil disputes for less than \$50,000 and divorce cases where the couple makes less than \$60,000 combined. The county court will institute new filing fees to fund the program.

For more information, click [here](#).

New Research

What ADR Is and What It Is Compared To

In "Empirical Studies of ADR: The Baseline Problem of What ADR Is and What It Is Compared To," a chapter in the upcoming *Oxford Handbook of Empirical Legal Studies*, Carrie Menkel-Meadow reviews two types of recent empirical studies of ADR. One type compared the effectiveness of different dispute resolution processes, and the other looked at practices and the outcomes or effects of particular processes. The studies she reviews are of a broad range of processes, including mediation, negotiation, arbitration and consensus building.

Menkel-Meadow places the studies in the context of the limitations ADR studies face, namely that it is difficult to define what the processes are, that comparative analyses are generally flawed because of difficulties in obtaining truly comparable groups, and that dispute resolution processes are constantly evolving. In doing so, she discusses research in other areas, such as game theory, that provide insight into factors that may affect process outcomes.

Click [here](#) to read the full chapter.

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