



## October 2009

This month, the Court ADR News section highlights two new state mediation programs launched in September. New Hampshire introduced an appellate mediation program for most civil cases, and Delaware adopted a residential mortgage foreclosure mediation program. In other news, the National Consumer Law Center released a report this month with recommendations on how to strengthen foreclosure mediation programs. Also, the Association of Family and Conciliation Courts will be holding a Regional Training Conference in Reno, Nevada, between November 5 and 7.

The New Research section features an evaluation of Alaska's adult guardianship mediation project, one of few studies that have been done of this type of mediation program. Finally, the CourtADR.org Tip of the Month highlights one of the most valuable resources for visitors to the web site: the RSI staff.

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## Court ADR News

### New Hampshire Launches Appellate Mediation Program

A program launched by the New Hampshire Office of Mediation and Arbitration this month offers appellate mediation for civil cases. Mediation is voluntary, and cases will be mediated by retired judges. Each party will be required to pay a \$200 mediation fee. Counsel for both parties are required to attend the mediation session in person, but parties themselves may attend "electronically" if both parties agree.

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



## Delaware Adopts Statewide Mortgage Foreclosure Mediation Program

The Delaware court system recently established a new mortgage foreclosure mediation program. All mortgage foreclosures filed after September 15 are eligible for the program. Lenders are required to send notice of the program along with notices of foreclosure. Homeowners interested in mediation must meet with an HUD-approved housing counselor and submit a completed intake form within 15 days of receiving the notice. Homeowners will be eligible to mediate through the program if they develop a good faith proposal with a housing counselor in which monthly mortgage payments would not make up more than 38% of their monthly income. The proposal may not include a repayment term longer than 40 years, an interest rate lower than 2%, or a principal reduction. Cases will be mediated on designated mediation days at the county courthouses.

To read the administrative order establishing the program, click [here](#).



## Report Finds Foreclosure Mediation Programs Lack Teeth

The National Consumer Law Center released a report this month arguing that existing foreclosure mediation programs do not place enough obligations on mortgage lenders to fully participate in the mediation process. The report looked at 25 foreclosure mediation programs around the country, including court-related mediation programs in Connecticut, Florida, Indiana, Kentucky, Maine, Nevada, New Jersey, Ohio and Pennsylvania. It found that many programs require minimal participation by mortgage lenders, and are lax in enforcing the requirements that do exist. The report suggests a variety of ways to engage lenders in the mediation process, including requiring lenders to participate in good faith and ensuring that they fulfill their obligations under the federal Making Home Affordable Modification Program.

To read the full report, click [here](#).



## AFCC Regional Training Conference to Be Held November 5-7 in Reno

The Association of Family and Conciliation Courts will be holding its annual Regional Training Conference from November 5-7 in Reno, Nevada. The theme of the conference is “Interventions for Family Conflict: Stacking the Odds in Favor of Children.” The conference offers workshops on a variety of topics related to family conflict, as well as four all-day, pre-conference seminars to more fully explore certain topics. For example, the “Advanced Mediation Techniques: Cognitive Behavioral Problem Solving and the Art of the Question” seminar will focus on phrasing questions during mediation to help reach resolution.

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

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## New Research

### Alaska's Adult Guardianship Mediation Project Evaluation

Although adult guardianship mediation programs have been around for decades, few studies about their effectiveness exist. *Alaska's Adult Guardianship Mediation Project Evaluation* (March 2009) sheds some light in this area,

providing insight into how Alaska's program is structured and how well it is working. The evaluation looked at data from 103 mediations and 260 participants. Mediation resulted in agreement on all or some of the issues 87% of the time, and in those cases in which Alaska Protective Services was involved, 91% of the agreements were found to have "an acceptable level of risk." Agreements were more likely to be reached for living arrangements, level of care needed, whether guardianship or conservatorship was needed, and how decisions should be made. Plans for dealing with family conflict were least likely to be agreed upon at mediation.

Participants were largely satisfied with the process and felt they were listened to, understood, and treated fairly and with respect. There were no differences in these responses based on the participants' role. Interviews suggested that mediation reduced the number of contested hearings; however, there was insufficient data to verify this.

Click [here](#) to read the full evaluation. Those interested in further exploring mediation of issues involving the elderly can find additional resources through The Center for Social Gerontology's extensive bibliography at [www.tcsg.org](http://www.tcsg.org).

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## On CourtADR.org

### Tip of the Month: Ask RSI

One resource available through CourtADR.org that most visitors may not think about is the RSI staff. With years of experience developing, evaluating and researching court ADR programs, the staff has a collection of expertise that is unique in the field. We are eager to share that knowledge. If you need help finding information or have questions about a topic in the field, RSI staff is available to help. Fill out the [inquiry form](#) on CourtADR.org, or email RSI at [info@aboutrsi.org](mailto:info@aboutrsi.org).

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