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RESOURCES / STUDY / INNOVATION FOR COURT ADR



COURT ADR CONNECTION

The eNewsletter of Resolution Systems Institute

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This edition opens with news that is increasingly common in the court ADR field. RSI learned this month that the funding for our Statewide Mediation Access Project, which develops court mediation programs targeted to poor and low-income disputants in Illinois, is likely to run out by the end of October. This project has had a very successful first two years, making steps toward expanding mediation services in more than a third of the state circuits. Read below for more information about the project.

The Court ADR News section covers new and expanded court mediation programs from around the country. North Dakota recently expanded a pilot family mediation program to include three more judicial districts, and the Milwaukee County Court in Wisconsin launched a foreclosure mediation program with Marquette University Law School. The statewide foreclosure mediation program in Nevada has received more than 450 mediation requests since its launch on July 1. In other news, the Association for Conflict Resolution is holding its annual conference in Atlanta between October 7 and 10.

The New Research section features a recent study of mediations conducted with couples who report incidents of intimate partner abuse. Finally, the CourtADR.org Tip of the Month highlights the Court ADR Pocket Guide, a useful introduction to ADR processes and how they are used by courts.

In this issue...

RSI Statewide Mediation Access Project

» [ADR Program Development Threatened by Budget Cuts](#)

Court ADR News

» [Florida Foreclosure Task Force Recommends Statewide Court Mediation Program](#)

» [Milwaukee Launches Foreclosure Mediation Program](#)

» [450 Homeowners Request Foreclosure Mediation in Nevada](#)

» [North Dakota Family Mediation Program Expands into Three Judicial Districts](#)

» [Association for Conflict Resolution Annual Conference Set for Oct. 7-10 in Atlanta](#)

New Research

» [Analysis of Mediation Agreements of Families Reporting Specific Types of Intimate Partner Abuse](#)

On CourtADR.org

» [Tip of the Month: Court ADR Pocket Guide](#)

RSI Statewide Mediation Access Project

ADR Program Development Threatened by Budget Cuts

RSI's **Statewide Mediation Access Project** has been working with courts in Illinois since 2007 to create mediation programs specifically for pro se litigants, with the goal of increasing access to justice for poor and low-income litigants. SMAP has successfully helped two judicial circuits in the state establish mediation programs, and has worked with more than six others – meaning that in just two years, this project has made inroads toward expanding mediation services in more than a third of the state's circuits.

Unfortunately, the promise of this project may be cut short. SMAP's main funder had its budget slashed in half by the state this year, meaning that it likely will not be able to support the project after October. Without financial support, RSI will not be able to continue with SMAP, just when court mediation programs are needed more than ever.

RSI staff is working hard to identify options for continuing this project. If you would like to help, please spread the word about SMAP and consider **making a donation** to sustain RSI's program development services. We appreciate your support.

Court ADR News

Florida Foreclosure Task Force Recommends Statewide Court Mediation Program

In its final report, the Florida Supreme Court Task Force on Residential Mortgage Foreclosure Cases recommended the establishment of a statewide foreclosure mediation program. The report suggests that mediation be mandatory for all foreclosure cases, and that it be provided at no charge to borrowers. Under the Task Force's proposed model, judicial circuits would select

outside mediation providers to manage their foreclosure mediation programs, and cases would be mediated by Supreme Court-certified civil mediators. The model would also require borrowers to meet with mortgage foreclosure counselors prior to mediation.

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



Milwaukee Launches Foreclosure Mediation Program

Working with Marquette University Law School, the Milwaukee County Court launched a foreclosure mediation program in July. Marquette will administer the program through the court, providing volunteer mediators to handle cases. According to the Marquette web site, mediation can be requested by either lenders or homeowners, and cases will be screened prior to mediation to determine if there is a possibility of a “successful outcome.”

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



450 Homeowners Request Foreclosure Mediation in Nevada

Within its first five weeks, the Nevada Foreclosure Mediation Program received more than 450 requests for mediation from homeowners. Under the program, which started July 1, lenders are required to send mediation applications along with foreclosure notices, and homeowners have 30 days to apply for mediation. To do so, they must send their application form and a \$200 mediation fee to their lender, as well as a copy of their application to the court. In turn, the lender is required to forward the homeowner’s application and payment, along with their own \$200 mediation fee, to the court. In an interview with *Court ADR Connection*, Bill Gang, a Nevada Supreme Court public information officer, said that some lenders had been slow to forward applications to the court, resulting in only 50 cases being ready to be scheduled. Mr. Gang said the program has also received complaints from homeowners about not receiving information about the program or applications from their lenders. He said court administrators were investigating the complaints, as well as conducting educational campaigns to ensure homeowners are informed about the program.

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



North Dakota Family Mediation Program Expands into Three Judicial Districts

A pilot family mediation program started in North Dakota in 2008 expanded this month to three new judicial districts in the state. The program began in South Central and Northeast Central districts, and has been started in Southwest, Northwest and Northeast districts. According to the *Bismark Tribune*, this establishes family mediation in all but 14 counties in North Dakota. Under the program, cases involving child custody and visitation disputes are mediated by court-approved mediators.

To read the full article from the *Tribune*, click [here](#). For more information about the family mediation program, visit the North Dakota Supreme Court [web site](#).



Association for Conflict Resolution Annual Conference Set for Oct. 7-10 in Atlanta

The Association for Conflict Resolution is holding its annual conference in Atlanta, Georgia, from October 7-10. The theme of the conference is “Convening ‘Whole of Community’: Integrating Approaches and Practices to Address Conflicts in a Chaotic World.” The conference will feature workshops and presentations on a wide variety of alternative dispute resolution topics.

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

New Research

Analysis of Mediation Agreements of Families Reporting Specific Types of Intimate Partner Abuse

One of the more controversial aspects of mandatory mediation for child custody and visitation cases is its use in cases involving intimate partner abuse (IPA). Past studies have shown that couples with a history of IPA do participate in mediation; however, little is known about differences related to type and level of abuse. In “Analysis of Mediation Agreements of Families Reporting Specific Types of Intimate Partner Abuse” (*Family Court Review*, July 2009), Beck, Walsh and Weston attempt to fill this gap.

In an assessment of 864 couples referred to free mandatory mediation services, Beck, et al. found that almost all couples reported at least one incident of IPA in the previous 12 months. Psychological abuse was much more prevalent than physical or sexual abuse, each of which was reported in more than half of all cases. In contrast to this high prevalence, less than 5% of all cases were screened out of mediation due to abuse. Such exemption from mediation was more likely when wives reported the abuse than when husbands did. One possibly problematic finding was that few mediation agreements for cases involving IPA included restrictions on contact between the parents. This may indicate that protections were not put in place for the children or the victim. However, the cases in which the reported IPA was most severe were less likely to reach agreement, which could point to the victims acting to protect themselves and their children by refusing to agree to unrestricted contact.

On CourtADR.org

Tip of the Month: Court ADR Pocket Guide

The [Court ADR Pocket Guide](#) provides a concise explanation of ADR processes and how they are typically used by court systems. Three main sections cover the “what,” “how,” and “why” of court ADR. [“What is ADR?”](#) identifies and explains the main ADR processes currently used by courts. [“How Do Courts Use ADR?”](#) reviews the different ways courts design ADR programs, discussing participation requirements, cost, confidentiality and other topics. [“Why Do Courts Use ADR?”](#) explains potential motivators for courts to adopt ADR programs, from saving money to increasing participant satisfaction. Each section also highlights resources in the CourtADR.org Research Library to provide further information on each topic. The sections of the Pocket Guide can be used together or separately, with or without the highlighted lists of resources. The Court ADR Pocket Guide is a helpful resource for anyone who wants to introduce bar groups,

judges, litigants or other audiences to court ADR.

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