



MEDIATION PROGRAM PEER REVIEW PROCESS

PROJECT GOALS

The peer review process serves several objectives:

1. The process *ensures that participants are receiving quality mediation services*. Given the disproportionate level of poverty, lack of education and other indicators consistent with inability to access legal services present in the served population, it is imperative that these mediation services be of the highest quality. Conducting peer review provides a view of the mediators' performance, and allows the Program and the Court to take corrective action where necessary.
2. The process *fosters the growth of mediator skills*. Discussing and dissecting their tactics and decision-making allows a mediator to gain awareness of their patterns, finding strengths to leverage and weaknesses to shore up. In completing a self-assessment after the mediation session, the mediator gains a new perspective on the experience, removed from the intensity of the mediation table. Information gained from peer review will inform the Program as to what topics can be covered in subsequent continuing education sessions.
3. The process *galvanizes the mediator community*. Through observing and reflecting with one another, the mediators will build rapport and camaraderie. By being able to candidly assess one another, the mediators will grow more comfortable with one another, which will in turn allow them to work better when they are paired during mediation. New ideas may flourish, and the Program, the Court and the Community will be better for it.



PEER REVIEW PROCEDURE

The goal of peer review is for every mediator to be reviewed, be approved, and, in turn, become an observer. Each mediator will be observed no less than once per year, provided caseload and staffing allows.

To begin that process, the mediators will attend a training session for mediators that will prepare them to take on the role of observers. Such training should focus on strengthening the active listening skills of the Peer Observers, and improve their ability to give constructive feedback to the Mediator.

In order to participate in the Peer Review process, **which is a requirement for continued participation in the program**, a mediator must review, sign and return this policy statement to the Program Administrator.

Prior to the Mediation Session

1. When the Program Administrator determines that it is a mediator's turn to be peer reviewed, the Administrator will select a Peer Observer.
2. After the Peer Observer confirms their availability, the Program Administrator will notify the mediator that they will be observed.
3. Before the mediation session, the Peer Observer will check in with the Mediators and Program Administrator to determine logistics, including seating arrangements during joint session and caucuses.
4. The Program Administrator will coordinate with the Peer Observer to ensure they have the appropriate documents to observe the mediation session.

During the Mediation Session

1. During the Mediators' Opening Statement, the Mediator shall reference the Agreement to Mediate and obtain all participants' permission to be observed. If there is an objection to observation, the Peer Observer shall be dismissed. The Program Administrator will reschedule the Mediator to be observed, providing a Peer Observer is available. The Peer Observer need not be the same one.
2. The mediation will proceed as normal, with the Peer Observer watching the entirety of the session, employing the skills learned in their Observation Training and the procedures and expectations set forth in this document.
3. The Peer Observer will not participate in the mediation they are observing.



After the Mediation Session

1. Following the session, the Mediators and the Peer Observer will discuss the skills and knowledge used during mediation. They may ask questions of one another so that they can better understand the other's perspective. While the Peer Observer may refer to the observation tool as a reference during the debrief, it is not intended as a report to the Mediator or anyone else and it will not be provided to the Mediator for review.
2. Within 24 hours after the debrief session, the Peer Observer will report to the Program Administrator on the Mediator's performance. This reporting should focus on mediator performance, and not the particulars of the case.
3. Following review of the Mediator's performance, which will include both the feedback from the Peer Observer as well as the Participant Surveys, the Program Administrator will make a determination regarding the Mediator's performance. If the Mediator is meeting expectations, the Program Administrator will convey that determination to the Mediator and no further action will be taken.
4. If the Program Administrator determines that some additional action is needed, the Program Administrator will convey that determination to the mediator. That action may include a private meeting with the Program Administrator; attending certain continuing education trainings to be provided by the Program or requiring the Mediator to observe additional mediation sessions.
5. In cases of egregious or repeated serious misconduct, **the Program Administrator may recommend to the Court that the Mediator be removed from the roster.**
6. The final decision of continued inclusion on the roster of approved mediators rests with the Chief Judge.