

Maryland Judiciary Statewide Evaluation of Alternative Dispute Resolution

Impact of ADR on responsibility, empowerment, and resolution

This research is the only research in the country that compares the attitudes and changes in attitudes of participants who went through ADR to an equivalent comparison group who went through the standard court process. In this study, we measured: 1) attitude toward the other participant; 2) a sense of empowerment and having a voice in the process; 3) a sense of responsibility for the situation; 4) a belief that the conflict has been resolved; 5) satisfaction with the judicial system; and, 6) the likelihood of returning to court for an enforcement action in the subsequent 12 months. *This handout summarizes key points; the full report provides technical details and statistical equations.*

Short Term Outcomes

The study found several areas where ADR had a statistically significant impact on participants' experiences and attitudes, compared to participants who went through the standard court process.



Those who went to ADR, regardless of whether they reached an agreement in ADR, are more likely to report that:

- 1) They **could express themselves, their thoughts, and their concerns.**
- 2) All of the **underlying issues came out.**
- 3) The **issues were resolved.**
- 4) The issues were **completely resolved** rather than partially resolved.
- 5) They **acknowledged responsibility for the situation**

Short Term Shifts in Attitude

The study measured shifts in attitude from before to after and compared the shifts in treatment and control groups.



We found that participants who went through ADR are more likely than those who went through the standard court process:

- 1) To have an **increase in their rating of their level of responsibility** for the situation from before to after the intervention.
- 2) To **disagree more with the statement "the other people need to learn they are wrong"** from before to after the process.

Satisfaction with the Courts

The study measured how attitudes differed in satisfaction with the courts when an agreement was reached in ADR as opposed to in court.



Participants who developed a negotiated agreement in ADR were more likely to be satisfied with the judicial system than others, while participants who reached negotiated agreements on their own (without ADR) were not more likely to be satisfied with the judicial system than those without negotiated agreements

This seems to imply that the process of reaching an agreement in ADR is the factor that led to higher satisfaction, rather than just the process of having negotiated a settlement.

Long Term Shifts in Attitude

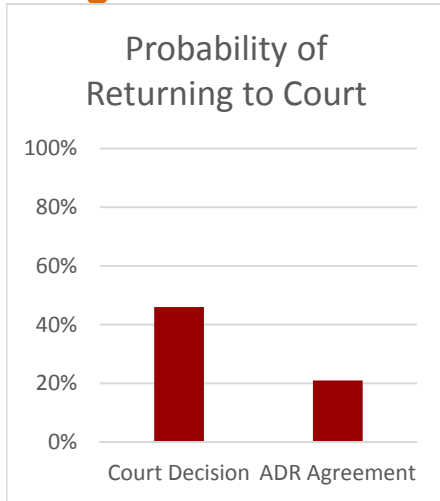
The present analysis finds the following in terms of the long-term impact of ADR on the self-reported outcomes we measure.



Participants who went through ADR are more likely than those who went through the court process to report:

- 1) An improved relationship and attitude toward the other participant measured from before the intervention (the ADR session or trial) to 3-6 months later.
- 2) The outcome was working.
- 3) Satisfaction with the outcome.
- 4) Satisfaction with the judicial system 3-6 months after the intervention.

Long-Term Costs to Court



The long-term analysis also indicates that cases that reached an agreement in ADR are less likely to return to court for an enforcement action in the 12 months following the intervention compared to cases that did not get an agreement in ADR (including those that reached an agreement on their own, ADR cases that did not get an agreement, and cases that got a verdict).

Reaching an agreement in ADR decreases the predicted probability of returning to court for an enforcement action. Cases that reached agreement in mediation are half as likely (21%) to return to court for enforcement actions compared to cases that reached a verdict (46%).

The Maryland Judiciary commissioned this study to be conducted by independent researchers in its ongoing effort to provide the highest quality service to Marylanders, which includes ADR.

Demographics

This research also explored whether ADR had a different effect for different demographic groups. With a few exceptions which are detailed in the full report, ADR did not have a different impact on different demographic groups.

Data Collection

In any study that seeks to identify the impact of an intervention on a particular outcome, one needs to be certain that the two groups being compared are equivalent in all ways other than the intervention itself. We surveyed participants in cases agreeing to participate in ADR, and then suspended the ADR program and surveyed participants in similar cases who were never offered ADR. The researchers reviewed case characteristics, demographics, and pre-test attitudinal variables to identify differences between the groups. The groups were determined to be generally comparable. Characteristics that were identified to be different between the two groups were included in the regression analysis to account for any possible difference. (For details on this or any aspect of the research methodology, please see the larger research report.)



Our Process

To measure the impact of ADR on potential shifts in participants' attitudes and perspectives, we took into account that there are a range of factors that could affect these shifts and perspectives. Participants' roles in court (plaintiff or defendant), whether they are represented by an attorney, their general outlook before they got to court, the history of the relationship between the litigants, the history of the conflict, and the type of case can all have an effect on attitudes and perspectives. Our research methodology, called *regression analysis*, allows us to isolate the impact of ADR as opposed to other variables that may affect the outcome. By doing this, we can reach conclusions about the impact of ADR itself, confident that we are not inadvertently measuring one of these other factors.

One other unique aspect of this study is that we separate the impact of reaching an agreement from the impact of the ADR process. We look at people who got an agreement through ADR, and those who settled on their own. By doing this, **we are able to isolate the impact of the process of ADR**, separate from its effect on reaching an agreement.

This research, commissioned by the **Maryland Judiciary**, is part of its Statewide Evaluation of ADR. The project was led by the Administrative Office of the Courts, and funded in part by a grant from the State Justice Institute. Salisbury University and the University of Maryland worked on the statewide study under memoranda of understanding with AOC. The research for this portion of the study was conducted by Community Mediation Maryland and the Bosserman Center for Conflict Resolution at Salisbury University. Lorig Charkoudian, PhD, served as lead researcher. Additional information about the research methods, data collection tools, and statistical analyses, and the full study can be found in the full report at:

<http://www.mdcourts.gov/courtoperations/adrprojects.html>

