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RESOURCES / STUDY / INNOVATION FOR COURT ADR



COURT ADR CONNECTION

The eNewsletter of Resolution Systems Institute

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The first edition of the New Year features three valuable new RSI resources. First, RSI is excited to announce the launch of *Court ADR Across the US*, a new, comprehensive national guide to court ADR. The guide features thousands of state-specific resources, and offers visitors a unique, state-by-state view of court ADR systems.

The New Research section features another new resource from RSI: an [evaluation](#) of the Cook County Circuit Court's Child Protection Mediation and Facilitation Program. The evaluation found that the program gave families the chance to feel heard and discuss their concerns, but was underutilized by the court. The On CourtADR.org section features the third new RSI resource, an up-to-date [review](#) of every foreclosure mediation program in the country.

The Court ADR News section covers a new family settlement conference program in Kansas, as well as the first report on the performance of foreclosure mediation programs in Florida. Finally, the *Just Court ADR* blog section features posts on the debate surrounding a proposal for a foreclosure mediation program in Boston and a new pre-filing mediation program created by Fannie Mae in Florida.

In this issue...

RSI Update

- » [RSI Launches National Guide to Court ADR](#)

Court ADR News

- » [Kansas District Court Creates Family Settlement Conference Program](#)
- » [Florida Foreclosure Mediation Programs Report Lackluster Results](#)

New Research from RSI

- » [Evaluation Finds Cook County Child Protection Mediation and Facilitation Program Helping Families](#)

On CourtADR.org

- » [New: Foreclosure Mediation Program Models](#)

From *Just Court ADR*

- » [Boston Mayor Wants Foreclosure Mediation Program](#)
- » [Court Mediation Prompts Pre-Filing Foreclosure Mediation Program](#)

RSI Update

[RSI Launches National Guide to Court ADR](#)

RSI is excited to announce the launch of a comprehensive national guide to court ADR programs on CourtADR.org. The guide, titled *Court ADR Across the US*, features thousands of state-specific local and federal resources, organized in a dynamic, searchable, state-by-state format. By providing reliable information in a central location, *Court ADR Across the US* aims to empower court administrators, judges, attorneys and neutrals to make more effective and efficient use of ADR.

RSI received funding from the JAMS Foundation to create *Court ADR Across the US*. The JAMS Foundation has been a longtime supporter of court ADR, and RSI is grateful for their assistance.

Click [here](#) to explore *Court ADR Across the US*. Click [here](#) for a press release further describing the project.

Court ADR News

Kansas District Court Creates Family Settlement Conference Program

The Sedgwick County District Court in Kansas recently started a judicial settlement conference program for family law cases. According to *The Wichita Eagle*, settlement conferences are held at the parties' request. The trial judge for the case may not facilitate the settlement conference. At the conference, the judge hears each side of the case and advises the parties on the likely outcome of a trial. The court also provides mediation services for family law cases.

For more information, see the [full article](#) from *The Wichita Eagle*.



Florida Foreclosure Mediation Programs Report Lackluster Results

A year after the Florida Supreme Court ordered all circuit courts in the state to establish foreclosure mediation programs, an interim report by the Court's Committee on ADR Rules and Policy revealed that the state's longest-running programs are struggling to bring homeowners to the mediation table. The report includes data collected from March-June 2010. Although 20 circuit courts currently have foreclosure mediation programs, only seven were in effect during that time period. The seven programs received a total of 13,417 case referrals, but were only able to contact borrowers in 5,919 (44%) cases. Of those cases where borrowers were contacted, mediations were conducted for 2,250 cases (38%). Settlement was reached in 34% of mediations. Since more than half of the state's programs were excluded from the report, the Committee concluded that it didn't have sufficient data to evaluate the program model. The Committee recommended "continuing the Program for a sufficient amount of time to capture enough statistics to create 'critical mass' in terms of statistical validity." The Committee also recommended that courts determine the effect the programs are having on their workloads.

Click [here](#) for the full report. More information is also available from *The Palm Beach Post*. Visit the [Just Court ADR blog](#) to read more about the report and a new pre-filing mediation program Fannie Mae just launched in Florida.

New Research from RSI

Evaluation Finds Cook County Child Protection Mediation and Facilitation Program Helping Families

Mediation in Illinois' Cook County Circuit Court Child Protection Mediation and Facilitation Program provides the family of children in state custody with the first opportunity to voice their concerns, feel heard and discuss their children's future. This was one of the major findings of an evaluation RSI conducted of the program, which serves Chicago and its surrounding suburbs. The study looked at three areas: program performance, program process, and stakeholder assessment of mediation and understanding of its role and function within the child protection system.

The study, [Child Protection Mediation: An Evaluation of Services Provided by Cook County Juvenile Court](#) (2010), included data from 164 cases referred to mediation, as well as interviews of mediation participants, judges, attorneys and program staff. Participants, particularly family members, have very positive reactions to the program. However, very few are given the opportunity to experience it. Judges and hearing officers see the value in the program, but do not often make referrals to it. The majority of judges and attorneys interviewed believed mediation could occur early on, but almost always referred cases to the program after the disposition hearing (generally two years after the children were brought into the system). This is the paradox of the program. It works well, is well-regarded by almost everyone, and the participant families find it to be a rewarding experience, but it is underutilized.

On CourtADR.org

New: Foreclosure Mediation Program Models

RSI recently updated its [foreclosure mediation resource guide](#) to include a [review of foreclosure mediation programs](#) that have been developed across the country. Twenty-six states currently have foreclosure mediation programs, and the review provides a snapshot of the mediation process, the history and the funding for each program. This is a helpful resource for anyone interested in this evolving area of court ADR.

From *Just Court ADR*

Boston Mayor Wants Foreclosure Mediation Program

"Boston Mayor Thomas Menino and the Boston City Council are [looking to mediation](#) to help with Boston's rapidly rising residential home foreclosure rate. The program, similar to other programs [across](#) the country, would require a homeowner to meet with a housing counselor prior to mediation. It also requires lenders to [participate before finalizing](#) a foreclosure. In the mediation, the homeowner and lender could seek '[commercially reasonable alternatives to foreclosure](#).'" Click [here](#) to read the rest of this post by Heather Scheiwe Kulp.



Court Mediation Prompts Pre-Filing Foreclosure Mediation Program

“Three years after the [first foreclosure mediation program launched in Ohio](#), more jurisdictions are reporting their program statistics. [Resolution Systems Institute](#) has long advocated that [courts should monitor and evaluate](#) their own programs. Monitoring and evaluations provide a tool for identifying how to improve programs for parties, lawyers, and courts. Now, evaluation is helping improve mediation services outside the courts.” Click [here](#) to read the rest of this post by Heather Scheiwe Kulp.

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