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**To:** Jim Greiner  
**From:** Melissa Gayton  
**RE:** Jessica Pearson & Nancy Thoennes, *A preliminary portrait of client reactions to three court mediation programs*, Conflict Resolution Quarterly 21 (1984).  
**Date:** September 30, 2018

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**Title:** A preliminary portrait of client reactions to three court mediation programs  
**Authors:** Jessica Pearson and Nancy Thoennes  
**Location:** Los Angeles Conciliation Court, Family Relations Division of the Connecticut Superior Court, Domestic Relations Division of the Hennepin County (Minnesota) Family Court  
**Sample:** N=528, Los Angeles n=256, Connecticut n=163, Minnesota n=109  
**Timeline:** 15 weeks (undated)  
**Target group:** Divorcing couples who contest child custody and visitation  
**Intervention type:** Mediation  
**Research papers:** <https://onlinelibrary.wiley.com/doi/pdf/10.1002/crq.39019840304>  
**Partners:** Children's Bureau, Administration for Children, Youth and Families, Jane Hunsinger, Project Officer, Association of Family Conciliation Courts

### ***Abstract***

As the rate of litigation over custody and visitation rights increased paired with high levels of dissatisfaction with the adversarial methods of familial dispute, more divorcing couples were seeking mediation. The purpose of this study was to compare different mediation locations and assess the impact of divorce mediation. None of the study's results were analyzed for statistical significance, and so it is impossible to conclude anything about the use of mediation for family disputes from the evidence presented.

### ***I. Policy Issue***

Divorce cases involving child custody and visitation had increased, and the court system had not been able to catch up with the increase in caseload. Mediation had the potential to streamline courts' caseloads and support a better relationship between parents to allow for an easier upbringing of mutual children. Mediation allowed a third party to help settle disputes and had increased in popularity in recent years despite a lack of evidence in

support of its success. How did three public mediation courts compare in their impact on case resolution, interspousal communications, and parent-child relationships?

## ***II. Context of Evaluation***

In comparison to private programs, public mediation courts had received little to no attention. The study focuses on three courts in Los Angeles, California (n=256), New London, Connecticut (n=163), and Hennepin County, Minnesota (n=109). All three courts had mediation programs that began in the 1970s. Study respondents were similar across sites, but reflect the demographics of the region. The authors did not clearly indicate which differences between sites were statistically significant. Similarly, the authors also did not analyze variability across regions as to proportion of new divorce cases to postdecree cases or differences across regions as to the willingness of disputants to reconcile for statistical significance. Mediation was designed to handle custody and visitation issues.

## ***III. Details***

The study drew from the three mediation courts for study participation. To test the effect and satisfaction with the mediation process, there were three questionnaires administered to the participants; the first was administered before mediation began, the second 15 weeks after mediation, and the last 12 months after mediation. Researchers used different methods at each site for identifying disputants and administering questionnaires.

## ***IV. Results and Policy Lessons***

The authors examined the time spent on each case as well as causes of satisfaction and dissatisfaction. None of these results were analyzed for statistical significance, so we do not report them here.

## ***V. Quality of the Study***

The study did not make clear why they picked the courts that they did or if they had certain requirements of disputants besides the fact that they were seeking child custody or visitation rights in a public mediation court. It is also unclear how cases included in the study were selected, and therefore it cannot be determined whether the selection was truly random. Even if the cases sampled were sampled randomly, there was no randomization between treatment (mediation) and control groups (traditional divorce proceedings). Therefore, it is not possible to determine whether mediation leads to significantly improved outcomes. Additionally, while the authors purported to compare differences across regions, none of these differences nor any other results of the study were analyzed for statistical significance. Finally, the study did not include the results from the last survey, so it is impossible to determine the longer-lasting impact of the mediation as compared to regular adversarial-style settings.