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To: Jim Greiner
From: Hasaan Munim
RE: Jayne Zuberbuhler, *Early Intervention Mediation*, 39 Family Court Review 203 (2001).
Date: August 15, 2018

Title: The Use of Court-Ordered Mediation in the Initial Stages of Divorce Litigation to Resolve Parenting Issues

Authors: Jayne Zuberbuhler

Location: Hamilton County, Ohio

Sample: Control unspecified, 178 cases ordered to treatment

Timeline: February 2, 1998 to April 12, 1999

Target group: Divorces with minor children

Intervention type: Mediation, Divorce, Parental Issues, Early Intervention Mediation

Research papers: <https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.174-1617.2001.tb00604.x>

Partners: Hamilton County Court of Domestic Relations and Evaluation Services Center of the University of Cincinnati, State Justice Institute

Abstract

Parenting issues consumed a significant amount of resources for the Hamilton County Court. This study tested whether early intervention mediation mitigated parental conflict, represented by litigation, by measuring key outcomes such as time to disposition, resolution rates, and litigant satisfaction. The study concluded that early intervention mediation was a successful policy in reducing custody conferences and trials.

1. Policy Issue and Context of Evaluation

The Hamilton County Court of Domestic Relations spent significant resources litigating parenting issues such as custody, visitation, and child support. Ten percent of divorces with minor children in Hamilton County involved contested parenting issues, which, if left unresolved after six weeks, necessitated custody trials. A magistrate would set the case for evidentiary hearing and ordered a custody evaluation by a social worker. The custody evaluator assessed cases for referral to a mediator.

Mediators handled about 100 cases per year and resolved 25% of cases. Regarding cases unresolved through mediation or not referred to mediation, the custody evaluator made recommendations regarding the parenting arrangements in the child's best interests. Negotiations following the evaluation of the mediator drove 90% of cases of the remaining cases to resolution, where the remaining 10% went to custody trial.

Although mediation resolved a modest proportion of cases referred to a custody evaluator, some suspected that the timing of the mediation limited its effectiveness. The court referred parents to mediation after months of conflict – protracted divorce conflicts may have led to entrenched demands on parenting issues. The proposed solution proposed by researchers was to initiate mediation earlier in the process to intervene before parents inflicted emotional trauma on each other and their children. Furthermore, if early intervention succeeded, it would reduce burden on the courts by shortening the divorce process. Did early mediation improve procedural justice, satisfaction, or resolution rates?

III. Details

The study randomized divorce cases to two groups of four magistrates each, one group who executed the experimental treatment and the other who executed the control. The magistrates in the treatment group ordered mediation for cases left unresolved six weeks after filing. The control group magistrates continued the existing policy of setting the case for a hearing with a court-ordered custody evaluation.

For 9 months, from February 2, 1998 to April 12, 1999, the Evaluation Services Center of the University of Cincinnati collected statistics comparing the experimental and control group cases, including time to disposition, unresolved cases, and litigant satisfaction.

IV. Results and Quality of the Study

Of the 178 cases ordered to early mediation, 152 actually went to mediation, 20 settled before mediation, and six were not eligible for mediation in the first place.

The authors analyzed the mediation resolution rate, but did not note the level of statistical significance. I cannot tell if results are due to chance alone, so I do not summarize them here.

There were no significant findings for procedural justice and satisfaction variables. The authors stated that significantly fewer custody conferences and trials occurred in the experimental group, but they did not specify at what level the results were significant. Not disclosing the study's data in aggregate impacted the study's rigor.

V. Quality of the Study

The authors did not specify how whether they analyzed cases randomized to the treatment group as an intent-to-treat or as-treated. Furthermore, the authors did not describe the randomization procedure. A separate methodology section would help readers understand the process the researchers took to reach their findings.

The authors did not clearly indicate statistically significant findings, nor did it provide output tables to review differences in collected variables.