

Multi-Door Dispute Resolution Centers  
Phase 1: Intake and Referral Assessment

Executive Summary  
~~Final Draft~~

Sponsored by the  
American Bar Association  
Special Committee on Dispute Resolution  
and the  
National Institute of Justice  
(NIJ Grant No. 83-IJ-CX-0039)

102753

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September 1986

NCJRS

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## I. Introduction

The origin of the American Bar Association's Multi-Door Dispute Resolution Program can be traced to a proposal of Professor Frank Sander of Harvard Law School. At the 1976 Conference on the Causes of Popular Dissatisfaction with the Administration of Justice, Sander encouraged the increased utilization of dispute resolution processes as a means to resolve disputes effectively and ease the growing demand on the courts. Sander (1976) proposed assigning particular cases to alternative processes or combination of processes through legislation or:

Alternatively, one might envision, by the year 2000, not simply a courthouse but a Dispute Resolution Center where the grievant would first be channelled through a screening clerk who would then direct him to the process (or sequence of processes) most appropriate to his type of case. The room directory in the lobby of such a center might look as follows:

Screening Clerk	Room 1
Mediation	Room 2
Arbitration	Room 3
Fact Finding	Room 4
Malpractice Screening Panel	Room 5
Superior Court	Room 6
Ombudsman	Room 7

In 1981, the American Bar Association's Special Committee on Dispute Resolution began the development of a program designed to test this "Multi-Door Courthouse" concept. It was clear that dispute resolution mechanisms were located throughout a city, took many forms, and were sometimes imbedded in government agencies. In spite of the steadily increasing number and variety of alternative forums:

...it is almost accidental if community members find their way to an appropriate forum other than the regular courts. Since they are operated by a hodge-podge of local government agencies, neighborhood organizations, and trade associations, citizens must be very knowledgeable about community resources to locate the right forum for their particular dispute" (Johnson, 1978).

The Multi-Door Program was designed in three phases. Phase I, the focus of this report, aimed to develop sophisticated intake and referral systems for disputes in order to diagnose disputes expertly, refer disputants to appropriate resources to resolve disputes effectively and efficiently, and encourage the use of alternative mechanisms where appropriate. The second phase involves the improvement or expansion of alternative dispute resolution mechanisms and Phase III will include an evaluation of the Multi-Door Centers and an outreach campaign to interest other jurisdictions in adopting the concept.

## Phase I Objectives and Site Selection

The objectives of the 18-month Phase I of the Multi-Door program as stated by the ABA were:

- 1) To assist citizens in the jurisdictions in their efforts to locate appropriate forums for the handling of their disputes.
- 2) To assist dispute processing projects in the jurisdictions in their efforts to obtain appropriate case referrals, and to increase coordination of services among forums.
- 3) To increase citizens' awareness of the array of dispute settlement options available in their community.
- 4) To increase knowledge regarding appropriate techniques for case screening and appropriate methods of matching specific cases to specific dispute processing forums based upon evaluation research.
- 5) To develop a manual designed to encourage the replication of centralized dispute screening mechanisms.

In early 1982, the ABA Special Committee on Dispute Resolution initiated a search for cities with the willingness and capability to sponsor a Multi-Door project. After a process of outreach, application, and site review, three cities were selected in early 1983. They were Tulsa, Oklahoma, Houston, Texas, and the District of Columbia.

### Effective Intake and Referral: Fitting the Forum to the Fuss

"Let the forum fit the fuss", a phrase coined by Maurice Rosenberg, former Assistant Attorney General and now a Columbia University Law Professor, summarizes the central goal of Phase I of the Multi-Door program. The purpose of the intake and referral services is to diagnose disputes with sensitivity and expertise, and refer citizens to appropriate forums for resolving the disputes. Screening and referral functions have traditionally been the responsibility of prosecutors, court clerks, and police officers, who do not have the time, training, or resources to keep abreast of all available resolution forums and make appropriate referrals to them. Initial intake is often viewed as a clerical function, designed to screen out inappropriate cases. The citizens "screened out" are seldom referred to or aware of the full range of community and court services available to them, nor are they knowledgeable about which one could most effectively assist them. The Multi-Door intake services were designed to provide citizens with assistance heretofore unavailable to them, and increase their knowledge and use of appropriate alternatives.

The underlying premise then, is that sophisticated intake and referral services are an improvement on the usual intake processes and that a "good match" between the dispute and the resolution forum can be made.

There has been little empirical work to date in the development of typologies for disputes and resolution forums. Goldberg, Green, and Sander (1985) identify considerations which appear relevant for matching forums and disputes. They are:

- The relationship between the disputants. The major distinction here is between ongoing and single interaction relationships.
- The nature of the dispute. Polycentric problems (those without clear governing guidelines for decision-making and where any particular solution will have proliferating ramifications) are differentiated from others. Another important distinction is made between novel disputes requiring precedent and recurring applications of the same issue.
- Amount at stake.
- Speed and cost (from the parties' perspective). This characteristic may be considered a dispute resolution forum attribute, rather than a dispute characteristic.
- Power relationship between the parties, referring to whether one party has significantly more or less bargaining strength than the other.

The nature of the dispute and the relationship between the parties are the primary characteristics of disputes--those which define a dispute and may be most useful in determining which forum might be effective. Dispute categories built on these two characteristics have been used in mediation research by Cook, Roehl, and Sheppard (1980), Davis, et al. (1980), and Felstiner and Williams (1980). Other classification schemes have been developed by anthropologists (Nader and Todd (1978)) and social psychologists (Deutsch, 1973; Thibaut and Walker, 1975).

Others have begun the development of taxonomies of dispute resolution forums (Thibaut and Walker, 1975, 1978; NIDR, 1983). A recent publication by the National Institute for Dispute Resolution presented the major ways different resolution techniques vary:

- o whether participation is voluntary
- o whether parties represent themselves or are represented by counsel

- whether decisions are made by the disputants or by a third party
- whether the procedure employed is formal or informal
- whether the basis for the decision is law or some other criteria
- whether the settlement is legally enforceable (NIDR, 1983, p. 4-5)

### Research Objectives and Methodology

The Phase I research effort was designed as an internal assessment of the Multi-Door programs, intended to assess the process and outcome of the intake and referral procedures. A primary goal of the research was to test if disputes cases were in fact referred to appropriate dispute resolution forums. The primary tasks of the research component as originally envisioned were:

- 1) A thorough documentation of the Centers' caseloads and procedures, necessary for the development of a manual for possible program replication as well as for an understanding of how the Centers actually function.
- 2) The tracking of cases from the intake point through the referral process to their final disposition. An important element of the case tracking is to assess and refine the screening process and test its effectiveness in matching disputes to appropriate forums. The essence of the Centers revolves around effective screening leading to a diagnosis or classification of the citizen complaint and an appropriate referral.
- 3) A limited descriptive study of each alternative dispute resolution mechanism, to document the case handling and resolution processes.
- 4) A follow-up study of the cases handled by the Centers, through interviews with disputants to assess their satisfaction with the Center services and the effectiveness of the referral and screening process in resolving the dispute.
- 5) A follow-up study conducted with the referral agencies, to assess their satisfaction with the Center services and the impact of the referrals on the agency, its services and caseload.

- 6) A random community survey conducted after the Center's implementation, to assess citizen awareness of the range of dispute resolution options available and to tap their knowledge of the existence and services of the Centers. (This task was postponed until later in the Centers' evolution).

Methodology. The research component was composed of separate descriptive case studies of each of the three Centers, which opened over a one year period. The major data collection activities were:

- The documentation, through observation, staff interviews, and materials review, of the programs' development, implementation, and operations. These activities included staff hiring and training, the selection of intake points, community outreach, the development of referral arrangements with outside agencies, and procedures for intake, referral, and case handling.
- The creation of a database for each center, containing information on the caseload (disputant characteristics, nature of the dispute, etc.) and referral decisions.
- Follow-up interviews with complainants in over 1,200 cases between one and six months after intake (most were completed within two months of intake). The results of these interviews were provided to the project directors and intake staff as they were completed.
- Interviews with key representatives of referral agencies.

On-site analysts were employed in Tulsa and Houston during the Phase I research period, to observe program operations, collect data, and conduct follow-up interviews. Additional interviewers were hired in Tulsa and D.C. to complete follow-up interviews; other data collection tasks for the D.C. program were completed by central ISA staff located in the District.

The Multi-Door programs, and subsequently, the research effort, were fluid in their development and ongoing implementation. There was no master plan or "model" for the development of a Multi-Door Center beyond Sander's brief early writings. The American Bar Association staff and Special Committee offered substantial assistance and program direction in a variety of areas, but left decisions regarding program implementation and operations in the hands of local staff and sponsors. The differences from site to site provide the dispute resolution field with a wealth of information about various ways to approach the Multi-Door concept, yet preclude the testing of a "model" Multi-Door program.

The assessment study should not be equated with an external evaluation effort, which will be the focus of Phase III. It was



planned and carried out as an internal effort to refine and improve operations over time while providing descriptive information to the field. Central goals of the assessment study were to assess how well Multi-Door intake services "fit the forum to the fuss", identify which characteristics of disputes make certain resolution processes more appropriate than others, and identify gaps or weak links in the dispute resolution community. The descriptive nature of the study, which lacks experimental control and random assignment of cases, limited the degree to which empirical typology development occurred.

## II. Case Studies

The development, structure, caseloads, and follow-up results for each of the three Multi-Door programs are described in individual case study summaries below. There are substantial variations among the programs, particularly in where intake services were located and the nature of the caseloads. Table 1 provides a snapshot picture of the program structure of each site, and diagrams appear in each case study to illustrate the flow of cases through the Multi-Door process to final disposition.

### Case Study: Tulsa Citizen Complaint Center

#### Program Development and Implementation

In late 1982, the court administrator of the Municipal Court of Tulsa initiated developmental steps and fund raising efforts for the Multi-Door program. The legal and business communities responded with enthusiasm, and \$100,000 was ultimately raised locally for support of Phase I efforts in addition to substantial in-kind contributions donated by the Municipal Court. Foundation funds completed the support needed for Phase I (approximately \$170,000). Intake operations began in early 1984 under the sponsorship of the Municipal Court and the name "Tulsa Citizen Complaint Center", a title thought to be more readily understandable to citizens than Multi-Door. During the program's first year, sponsorship was transferred from the city court to the Tulsa County Bar Association, due to changes resulting from a new city administration, and the former court administrator became the director of the Complaint Center.

In contrast to the basic model suggested by Sander's writings, of intake and resolution services under one roof, the intake points in Tulsa were placed in four locations around the city. As in the other three sites, the referral/resolution agencies are also located throughout the city, and extend to state and federal agencies and programs. The location of the Tulsa intake points emanated from the program's philosophy as articulated by the director. The Citizen Complaint Center's primary aim was to assist citizens in the resolution of their dispute, and therefore, the intake specialists were placed in locations where citizens traditionally brought their disputes for outside help.

Intake points. The four intake points were:

1. The Municipal Courthouse. A new office was opened in the Municipal Courthouse, called the Police/Prosecutor Complaint Office (PPCO). At this office, Multi-Door intakes were handled in person and by phone, and the

Table 1: Overview of the Multi-Door Programs

	Tulsa	District of Columbia	Houston
Official Name	Citizen Complaint Center	Multi-Door Dispute Resolution Program	Dispute Resolution Center
Sponsor	Bar Association (transferred from Municipal Court in first year)	Superior Court	Bar Association
Staffing	Director (full-time) Four intake specialists Administrative Ass't (part-time)	Director (half-time) Deputy Dir. (full-time) Intake Supervisor Three intake specialists Dispute resolution specialists Volunteers (10)	Director (directs NJC also) Six intake specialists Administrative Support
Intake points	Municipal courthouse (Prosecutor's Office) Television action line Better Business Bureau Bar Association	Superior courthouse Lawyer Referral and Information Service (intake specialists not paid by Multi-Door)	District Attorney's Office Neighborhood Justice Center Justice of the Peace Court City Prosecutor's Office Ingrado House (community ctr.) Ripley House (community ctr.)
Types of Cases Handled	Consumer disputes (24%) Minor assault (13%) Money/property disputes (13%) Gov't services complaints (10%) Neighborhood problems (9%) Threats/harassment (8%)	(from Courthouse intake only) Small claims (51%) Civil matters (25%) Domestic relations/family (7%) Landlord/tenant (7%)	Money/property disputes (50%) Minor assault (15%) Harassment/threats (19%)
Major Dispute resolution "doors"	Prosecutor's Office Project Early Settlement (mediation) City and County agencies Better Business Bureau Legal Services	(from Courthouse intake only) Small claims mediation D.C. Mediation Service Lawyer Referral & Information Service Law Clinics and legal assistance	Neighborhood Justice Center (mediation) District Attorney's Office City Prosecutor's Office Justice of the Peace Courts
Phase I Funding	\$170,000	\$210,000	\$260,000
Other elements		Advisory Committee Small claims mediation service Domestic relations mediation service	

office also served as the intake point for the Municipal Court prosecutor (i.e., citizens wanting to file charges saw a Multi-Door intake specialist, not someone from the prosecutor's office).

2. Television action line. A local network station in Tulsa sponsors a "Troubleshooter" program which operates much like media action lines in other cities. Citizens with complaints or disputes call the station and an investigative reporter selects, investigates, and airs a very small number of them. A Multi-Door intake specialist placed at the television station handled all incoming complaint calls and provided diagnostic and referral services for citizens by telephone.
3. Better Business Bureau. Two Multi-Door staff persons were originally assigned to the BBB. The Council of Better Business Bureaus (the headquarters office for all BBB's) has a national contract with four major automobile manufacturers to provide arbitration services for certain warranty problems; one Multi-Door staff person initiated the Tulsa program for the BBB. By the end of the first year of the Multi-Door program, this person was fully supported by fees generated from the arbitration program and became a BBB employee.

The second staff person served full-time as a Multi-Door intake specialist. All incoming calls regarding consumer and business problems not typically handled by the BBB were directed to the Multi-Door staff person, who provided intake and referral by phone.

4. Bar Association. A fourth intake point was opened in late 1984 at the Tulsa County Bar Association, after the Bar Association became the official sponsor of the program. The majority of intakes were conducted by phone.

Staffing. The Tulsa Citizen Complaint Center had five full-time staff members, a director and four intake specialists, and a part-time administrative assistant shared with the Bar Association. Throughout Phase I, the staff at three of the intake points remained stable, but there was substantial turnover at the Police/Prosecutor Complaint Office. One dedicated volunteer who participated in the initial intake training filled in from time to time as necessary.

The backgrounds of the intake specialists were varied; the director and one intake specialist were law school students, several of the intake specialists were attorneys, one was a social worker, and others did not identify with any particular field. The initial two-day intake training, covering the intake process, was conducted by the American Bar Association with the assistance of the Complaint Center director. A third day was conducted by a local Helpline to train intake specialists in

locating the wide range of services and resource agencies in Tulsa. After the initial training, formal follow-up training was conducted by the ABA. New intake specialists were trained by existing staff and spent time observing intakes before they were placed in an intake point.

Outreach and public education. Many different outreach strategies were implemented to inform citizens and special groups of the existence and purpose of the Complaint Center. After presentations at roll call, police officers were provided with notepads consisting of referral notices (listing the services and phone numbers of intake points) which they in turn gave to citizens at their discretion. Presentations were given of local groups such as the Kiwanis and Lion's Club, and many meetings were held with Bar Association members, key program directors, etc. Fact sheets describing the Multi-Door concept, purpose, case criteria, locations, and phone numbers were sent to local organizations.

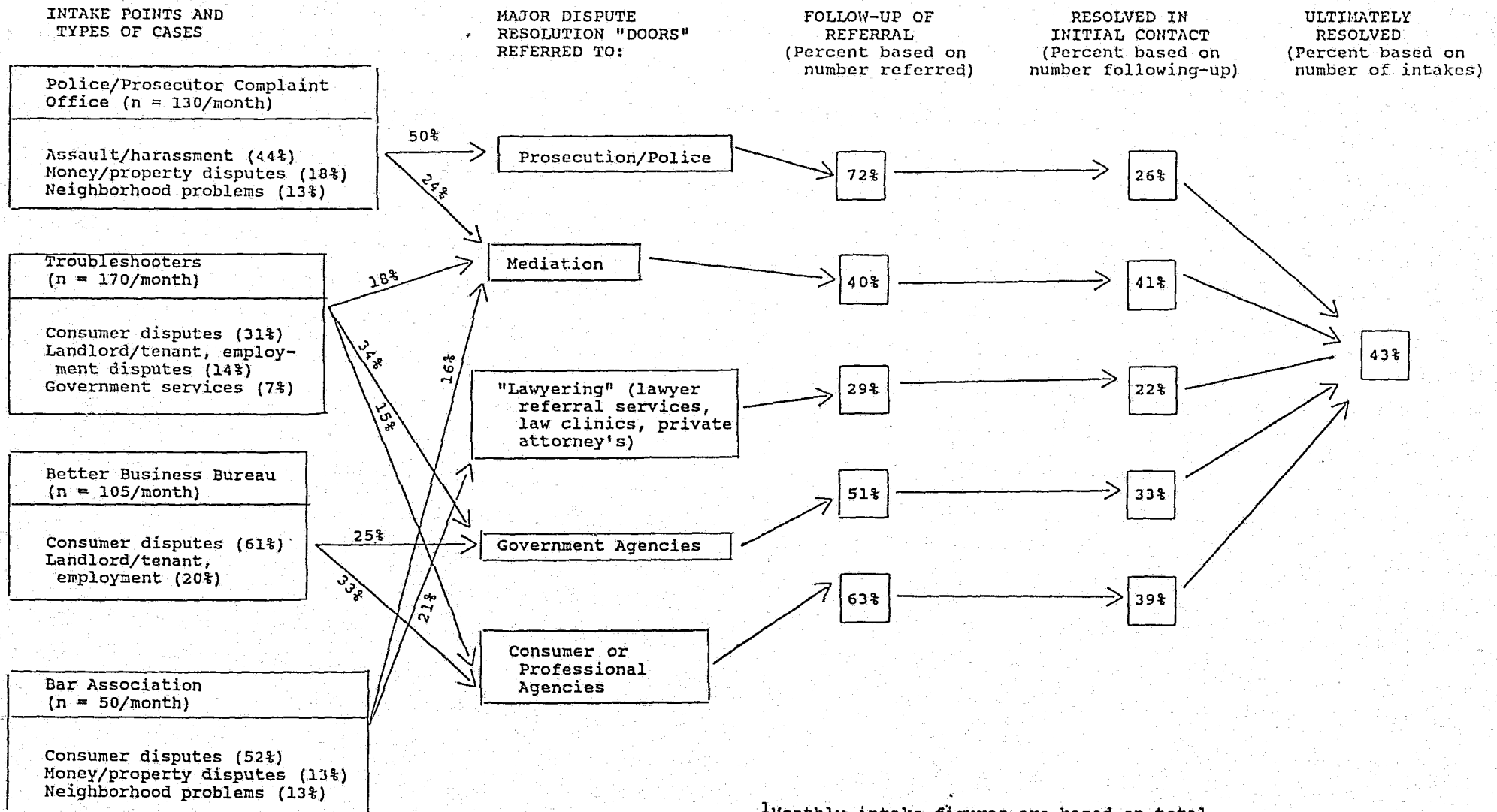
With the help of a public relations firm, a broad-based media campaign was initiated as an ongoing activity. Television public service announcements were filmed and aired repeatedly by a local station, radio PSAs were aired, and articles and advertisements were placed in local papers. Two unique public relations strategies were implemented using the Complaint Center's slogan, "Turn to us when you don't know where to turn." These were the erection of a billboard in the center of town, and the printing of the slogan and additional program information on thousands of grocery bags.

Nature of the Caseload and Referral Agencies Used

Figure 1 depicts the flow of cases from intake through disposition. The total caseload figures for the first year of Tulsa's Citizen Complaint Centers were:

	<u>Intake Points</u>					
	<u>PPCO</u>	<u>T.S.</u>	<u>BBB</u>	<u>Bar</u>	<u>TOTAL</u>	
April 1984-November 1984	1,023	929	311	-0-	2,263	
December 1984	134	246	225	18	623	
January 1985	192	344	240	64	840	
February 1985	152	257	201	86	696	
March 1985	75	244	287	36	642	
Total	1,576	2,020	1,264	204	5,064	

FIGURE 1: TULSA CITIZEN COMPLAINT CENTERS CASE FLOW<sup>1</sup>



<sup>1</sup>Monthly intake figures are based on total caseload for one year. All percentages are based on figures from the follow-up sample (n = 455); the Bar Association percentages have a very small base (n = 19).

The Tulsa Citizens Complaint Centers handled a variety of civil and criminal disputes and complaints. Consumer disputes accounted for nearly a quarter of the cases, followed by assault (13%), disputes over money or property (13%), complaints regarding city or county services (10%), neighborhood problems (9%), and threats or harassment charges (8%). The relationships between the parties tended to be rather distant: 33% were consumer/merchant, landlord/tenant, or employee/employer; 25% were citizens complaining against local government, utility companies, or large organizations; 21% were friends, acquaintances, or neighbors; and 13% had very close relationships (family, boyfriend/girlfriend, etc.).

For resolution, the Complaint Centers used over a hundred local and state programs, including the formal justice system, dispute resolution services, social service and consumer agencies, private agencies, and others. Thirty-five percent of the cases in the first year were referred to the prosecutor's office or other divisions of the courts; the Municipal Court's mediation program, Early Settlement, received 18% of the cases; and the remaining cases were referred to city or county agencies (13%), the BBB (8%), legal services (6%), and a wide variety of other agencies (19%). Each intake point had a distinctive caseload. The PPCO tended to handle minor criminal cases involving assault, harassment, threats, money, property, and/or neighborhood issues; half were referred to the prosecutor. The Troubleshooters intake point handled consumer, landlord/tenant, and city/county service complaints, and diverse others (e.g., hardship situations) and used a variety of referral agencies. The BBB handled consumer disputes for the most part, referring 20-30% to itself and 21-25% to government agencies. In general, assault, threats, and money or property disputes were sent to the prosecutor and Early Settlement was apt to receive neighborhood and consumer disputes.

Complaint satisfaction with the services received at the referral agencies varied (the percentages are based on small numbers and should be viewed with caution), with an average rate of 57% reporting satisfaction. Fifty-three percent of those using government agencies were satisfied, while 88% of those using consumer agencies were satisfied. At mediation, 61% of the complainants were satisfied with the process; 55% of those using the prosecutor's office were satisfied.

In regard to disputant demographics, 58% of the complainants and 26% of the respondents were female. Seventy percent of the disputants were white and 26% were black, in comparison to the city-wide percentages of 86% white and 12% black.

#### Follow-up Results

In follow-up interviews with 455 complainants who had used the Complaint Center's services, it was found that half (51%) of them called or went to the primary agency to which they were

referred. The variations among the agencies (between 29% and 72% follow-up) are shown in Figure 1. The major reason for not using the referral agency was that the complainant did not remember or understand that a referral was given. A referral to the prosecutor's office does not require that the citizen do anything additional--the written charges are prepared with the help of the intake specialist, who sends them directly to the prosecutor.

Overall, one quarter (24%) of the disputes were resolved (according to the complainant's self-report) by the first agency referred to; in another 14% some action was taken (such as a mediation hearing held) which did not resolve the problem. Many disputants went on to try different agencies suggested by the intake specialists. Thirty-four percent of the follow-up samples were referred to two agencies; 23% of them went or called and 7 of the 36 (19%) were resolved. Of the 9% receiving three referrals, 3% contacted the third agency but with no resolution outcome. Therefore, the agencies suggested by the intake specialists were instrumental in resolving a total of 55 out of the 206 (27%) cases brought to the attention of the intake specialists.

The follow-up interview also asked about the ultimate resolution of the case, regardless of the referral given by the Multi-Door staff and the outcome of immediate referrals (i.e., if a case is successfully mediated but the agreement unravels prior to follow-up, the ultimate outcome is unresolved). Thirty-five percent of the cases were reportedly resolved, with another 9% reported partially resolved.

The highest resolution rates were found among the consumer (both consumer/merchant and services) and landlord/tenant cases. Assault, interpersonal, and harassment/threats cases, in which the closest relationships between the parties were found, had the lowest resolution rates. The most common resolution agency--or agents--in this case, was the parties themselves; 46% of the cases reported to be resolved were the result of the parties coming to some mutual agreement. This agreement may have been reached after some contact with a resolution agency. For example, a request to attend a mediation hearing or a summons to small claims court may encourage the parties to work out the problem themselves. Excluding resolutions attributed to the parties themselves, assault charges were most often resolved by prosecutors or the courts, and harassment/threat charges were resolved primarily by the prosecutor and private attorneys. Mediation was most successfully used for resolving consumer/merchant, neighborhood, and money/property disputes.

Case Study: District of Columbia  
Multi-Door Dispute Resolution Program

Program Development and Implementation

The District of Columbia Multi-Door Dispute Resolution



Program is sponsored by the D.C. Superior Court. The developmental tasks were largely the responsibility of the court's Director of the Division of Research, Evaluation, and Special Projects (and Director of the Multi-Door program half-time), who worked closely on design issues with the Chief Judge, presiding judge of the Family Division, the Executive Director of the D.C. Bar, and representatives of the local prosecutor's office. The D.C. program's full Phase I budget (\$210,000) was provided by private foundations and the National Institute for Dispute Resolution.

Two important documents were prepared in the early months. One was a working paper, "An Implementation Plan for the Multi-Door Dispute Resolution Program", which clarified all staff responsibilities and procedures and included forms for intake, referral, and small claims mediation. The second document written was a Referral Manual for intake specialists, which provided important information on all dispute resolution, legal assistance, and social service agencies available in the District of Columbia. Under the title "Multi-Door Dispute Resolution Program", two new mediation services were opened during the program's first 18 months in addition to intake and referral services.

The developers of the D.C. program aimed to aid the court as well as citizens; the opening of new dispute resolution services was partly designed to assist the court in handling its large caseload. In keeping with Sander's original concept, the primary intake point was a new office within the Superior Courthouse.

Intake points. The intake points were:

1. Superior Courthouse. A new office was established in a well-trafficked area of the D.C. Superior Courthouse en route to the cafeteria. The Intake Center contains six or seven small intake cubicles plus a reception/waiting area. All intake is conducted in person. This intake point was opened as a new service with no established caseload.
2. Lawyer Referral and Information Service. Approximately 75% of the thousands of inquiries LRIS receives each year do not require the attention of an attorney and citizens are referred elsewhere for assistance. All citizens now referred to agencies designated as dispute resolution agencies in the Referral Manual are considered Multi-Door cases. Virtually all intakes are done by phone at LRIS, although walk-in hours are scheduled several times a week.

Late in Phase I, intake specialists were placed at the small claims intake office. A sign there directed all complainants desiring to file new cases to the Multi-Door intake specialist, who scheduled a non-day-of-trial mediation hearing or assigned the case to the court docket (the parties may be directed to a day-of-trial mediation hearing by the small claims court judge, as described below). The Multi-Door program also has future

plans to offer intake and referral services at the Citizens Complaint Center, which houses the U.S. Attorney's office, D.C. Corporation Counsel (similar to a city prosecutor), and the D.C. Mediation Service.

Staffing. The Multi-Door program staff included a half-time program director (contributed time by the Superior Court), and six other full-time staff: a deputy director, a Legal Intake Supervisor, three Legal Intake and Referral Assistants (intake specialists), and a dispute resolution specialist. There was some turnover among the intake specialists. The Legal Intake Supervisor was an attorney and several other staff were attorneys or law students. Ten volunteers were recruited to serve as intake specialists and devoted one full day per week to the intake function. The LRIS intake specialists attended the Multi-Door training and rely on the Referral Manual extensively, but are not paid by the Multi-Door program.

One week of formal training was held in January 1985. Two days of intake training were provided by the Lawyer Referral and Information Service and the American Bar Association, covering the intake process, the legal and justice systems in D.C., and the available "doors" in D.C., among other topics. After the days of formal training, the intake specialists spent time role-playing various intake problems and learning more about the procedures and resources of the Multi-Door program.

Advisory Board. D.C. is the only Multi-Door program which has formed an Advisory Committee. The Committee meets three times a year or as needed to provide assistance and guidance. The large Advisory Committee includes important representatives from the legal, criminal justice, and business communities, and several individuals have been helpful in fund raising and publicity.

Outreach and public education. The primary means of informing the community about the Multi-Door program was the distribution of flyers, contacts with local resource agencies, and media coverage. Attractive flyers in English and Spanish were sent to City Council members, community groups, social service agencies, and other important resources, and made available at many places within the courthouse, LRIS, and the Citizens Complaint Center. Every dispute resolution and social service agency in the Referral Manual was visited or telephoned. Several local news stations, newspapers, and the Washington Post covered Multi-Door events, and a local television station filmed and aired a public service announcement featuring one of the Washington Redskins.

Mediation services. The opening of two new mediation services is a unique part of D.C.'s Phase I project. In the original ABA plan, Phase I was to concentrate on intake services and Phase II was to involve the opening of new "doors". However, the D.C. program recognized the need for specialized mediation services from the start and implemented them as part of the Superior Court's regular functions.

In early April 1985, the small claims mediation service opened, offering day-of-trial mediation hearings as well as hearings scheduled at the parties convenience. These latter non-day-of-trial mediations are scheduled by the Multi-Door intake specialists for small claims cases in which the complainant agrees that mediation is desirable. Day-of-trial mediation hearings are instigated by the small claims court judges, who make introductory remarks at the beginning of each session strongly urging all parties to try to resolve the dispute through mediation. Day-of-trial mediation hearings are held in rooms just outside the courtroom. If an agreement is not reached, the case continues on the small claims docket. If one is reached, the agreement is reviewed by the small claims court clerk and the case is considered settled. The agreement is generally not entered as a judgment of the court, but is placed in the case file; if the agreement is not upheld, one party can return to court to seek a court judgment.

The small claims mediation caseload figures compiled by Multi-Door staff for April through July are presented below:

	Non-day-of-trial	Day-of-trial
Number of cases scheduled for mediation	230	N/A
Number of hearings held	87	758
Number of agreements reached	61 (70%)	435 (57%) <sup>1</sup>

The domestic relations mediation service was in the implementation stages as this report was finished. Under the jurisdiction of the family division, domestic relations issues which may be mediated include provisions of divorce cases, including property settlements, child custody, child support and visitation terms, and the conditions of protection orders.

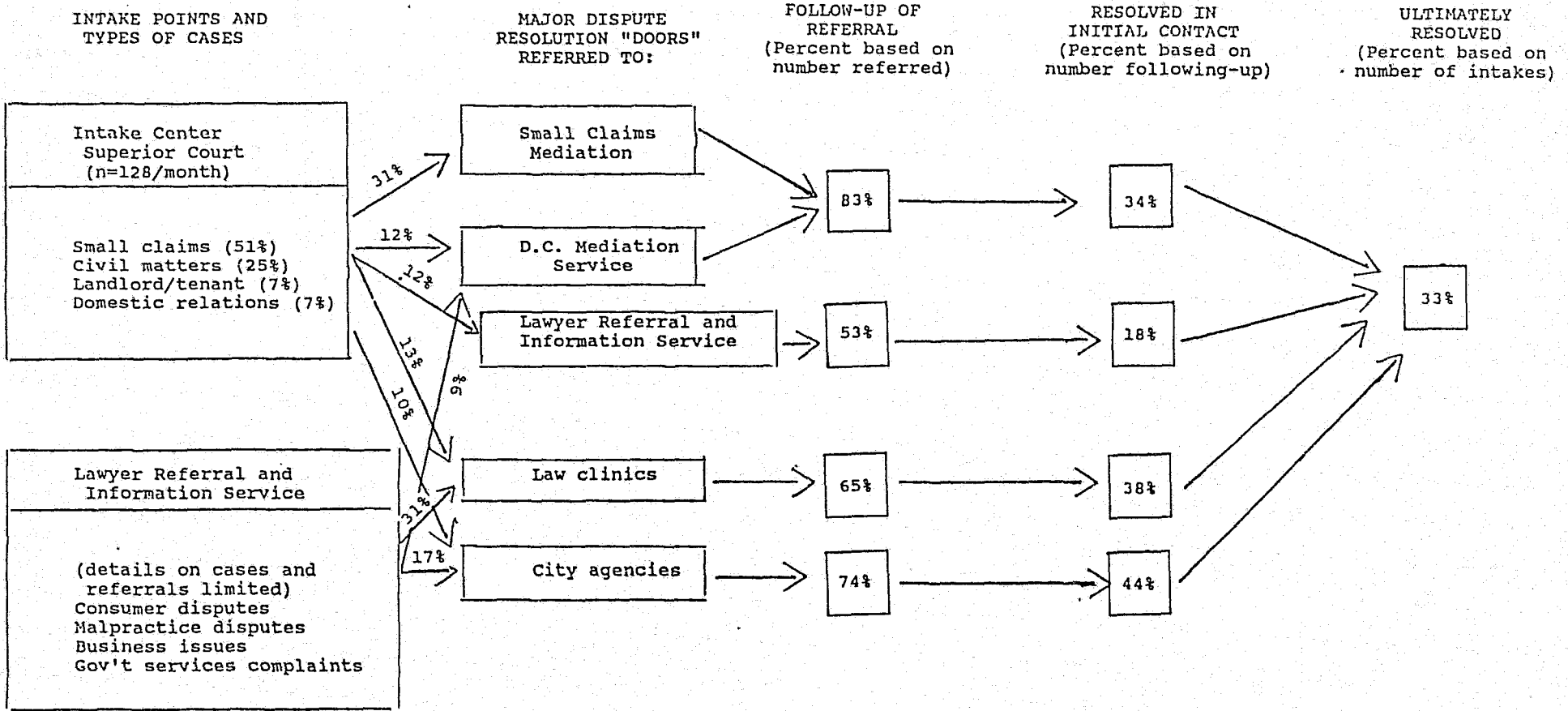
#### Nature of the Caseload and Referral Agencies Used

The analysis of the D.C. caseload concentrated on the cases handled by the courthouse intake point, since information on the LRIS cases is sketchy. The case flow diagram appears in Figure 2. The LRIS caseload appears to involve civil and monetary problems including consumer problems, charges of malpractice, unethical business practices, citizen complaints about government

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<sup>1</sup>The agreement rate for day-of-trial hearings is 75% for first time mediations. If a case is mediated unsuccessfully and the court proceeding is postponed to another day, that case may enter mediation again on the new court date.

FIGURE 2: D.C. MULTI-DOOR DISPUTE RESOLUTION PROGRAM CASE FLOW<sup>1</sup>



<sup>1</sup>Monthly intake figures are based on the caseload during the first seven months. All percentages are based on figures from the follow-up sample (n=288).

services and payments, child support, and others. The referral agencies used most often by LRIS were George Washington University's consumer help clinic (20% of the cases), government agencies (17%), Consumer Credit Counseling (9%), and the D.C. Mediation Service (9%).

At the courthouse intake point, intakes were conducted with 893 individuals, or approximately 128 cases each month, during the first seven months of operations. The low caseload relative to intake points in the other sites is because the courthouse intake operation was created as a brand new entity and did not assume the intake and referral responsibility of an agency already in place. The caseload was dominated by civil matters involving monetary claims for the most part, with just over half the cases involving small claims disputes. A few family, domestic relations, and interpersonal disputes were also received. About 25% of the disputes occurred between individuals with personal relationships; the majority of the disputants did not have ongoing personal ties.

The dispute resolution process referred to most often was mediation. About a third of the cases were referred to the small claims mediation service operated by the Multi-Door program in cooperation with the small claims court and 12% of the cases were referred to the D.C. Mediation Service, which mediates all types of disputes. A substantial number of referrals were also made to various legal assistance programs, including LRIS (12% of the cases), university-based law clinics (3%), and other legal assistance programs (7%). Government agencies received approximately 7% of the cases.

Small claims, other money/property disputes, and service complaints were apt to be referred to mediation, followed by the LRIS and government agencies. Employment disputes, which were often quite complex, were referred primarily to the law clinics and LRIS. Extremely few referrals were made to courts, prosecutors, or district attorneys, although a few cases were referred to small claims, landlord/tenant, civil, and domestic relations courts. Complainant satisfaction with the referral agencies was 63% satisfied overall. For individual agencies, satisfaction rates were mediation (66%), lawyer referral (63%), law clinics (75%), and government agencies (74%). The basis for the other agencies are too small for percentages to be reliable.

Demographic information is available on complainants only. Fifty-one percent were male, and 80% were black (D.C.'s 1980 population breakdown was 70% black and 27% white). The complainants' annual incomes covered a wide range; 20% had incomes under \$6,500/year, 25% had incomes between \$6,500 and \$13,000, 38% were between \$13,000 and \$26,000, and 13% were over \$26,000.

#### Follow-up Results

All but seven of the 288 cases followed up in the District

of Columbia were from the courthouse intake point. The majority of the complainants (72%) called or went to the primary referral agency recommended by the intake specialists. Reasons for not using the referral agency varied, with 16% not remembering or understanding a referral was given.

Of the 174 citizens who called or went to the first referral given, 30% reported that the agency's action helped resolved their dispute, at least initially. Half of the 33 complainants referred to a second agency and all three complainants referred to a third agency followed up on that referral, but their cases were not resolved.

At the time of the follow-up interview, 29% of the cases were reported to be resolved, 4% were partially resolved, and 24% were pending. Many of these cases were money/property disputes pending in small claims court. The types of cases with the highest resolution rates were harassment/threat cases, interpersonal problems, disputes over money and/or property, consumer disputes, and citizen vs. government agency cases. Low resolution rates were found for assault cases, employer/employee disputes, landlord/tenant disputes, and neighborhood or nuisance problems.

In terms of the ultimate resolution of the case as reported by the complainant, 12% of the cases were resolved by the parties themselves, possibly facilitated by contact with a resolution agency. Money and/or property disputes were resolved by mediation, court processes, private attorneys, and government agencies. Consumer disputes were apt to be resolved by court, followed by law clinics, private attorneys, and mediation processes. In spite of the low number of initial referrals to court, 21% of the resolved disputes were ultimately resolved by adjudication, often after attempting alternative modes of resolution first. After court, mediation processes had the highest resolution rates (18% of all resolved).

#### Case Study: Houston's Dispute Resolution Center

##### Program Development and Implementation

The Dispute Resolution Center (DRC) in Houston houses the Multi-Door program and the Neighborhood Justice Center (NJC), a mediation program. The DRC is sponsored by the Houston Bar Association. Both the Multi-Door and NJC programs were developed under the leadership of the Chief Judge of the First Court of Appeals, who serves on the DRC board and the ABA Special Committee on Dispute Resolution. Bar Association members and staff of the NJC developed and implemented the Multi-Door program during the latter months of 1983 and much of 1984. Development was slow for several reasons, including staff turnover at the NJC, difficulties in finding a director for the Multi-Door program,

and organizational changes needed to support the Multi-Door program.

Under the leadership of the Chief Judge of the First Court of Appeals, legislation was passed in Texas several years ago which generates funds for alternative dispute resolution programs via additional civil court filing fees. The Houston Bar Association is the conduit for the funds generated in Harris County; nearly all of the Multi-Door and NJC funds come from the legislated monies. The Multi-Door program was also supported by funds from the National Institute for Dispute Resolution, and monies provided directly by the Houston Bar Association. The total Phase I budget was approximately \$260,000.

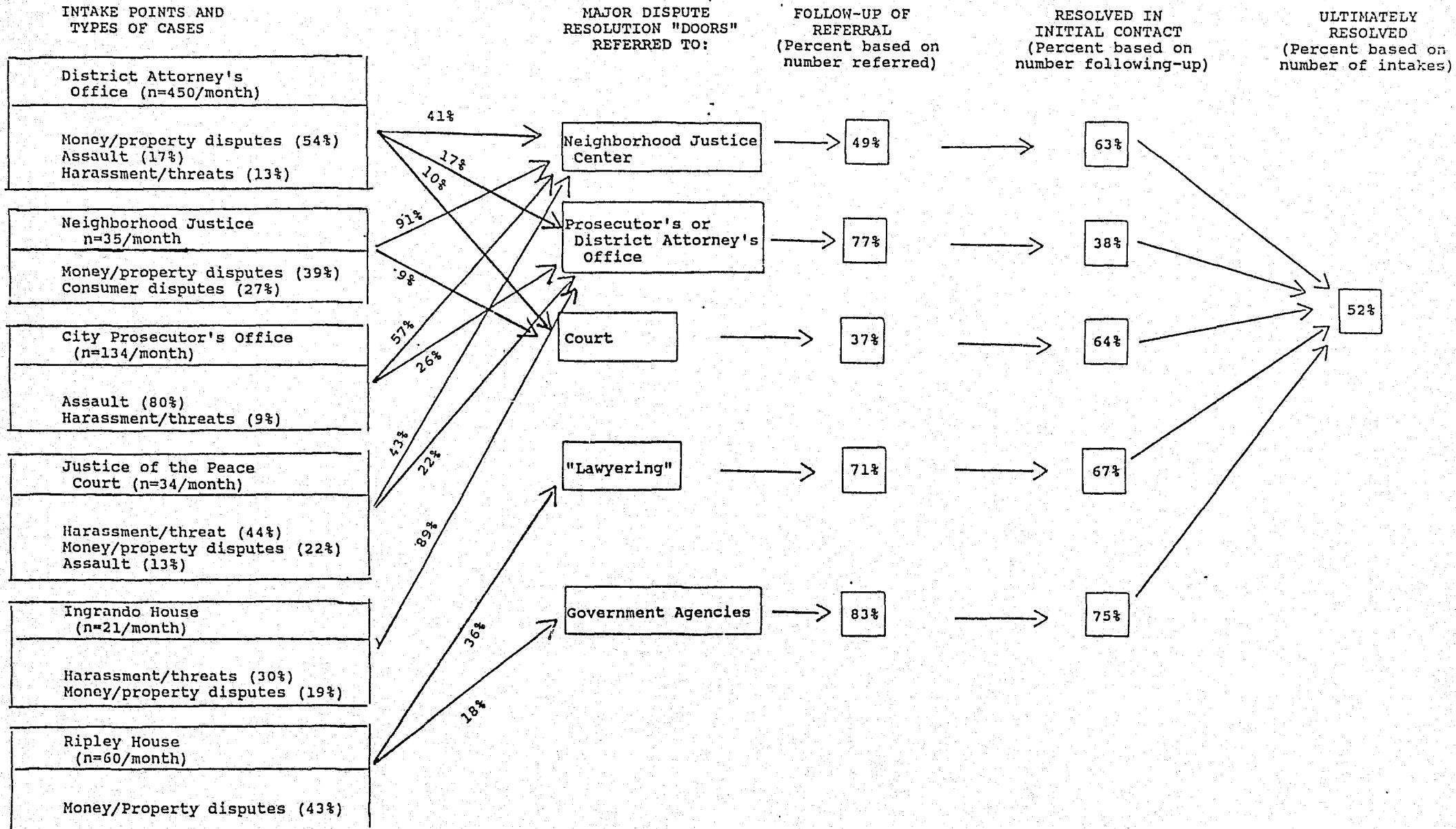
Intake operations for the Multi-Door program were started with no clear program identification; the new service operated under the NJC banner. Following research by a public relations firm, the Dispute Resolution Center was adopted as an umbrella title and organization for both the Multi-Door and Neighborhood Justice programs.

In order to provide the far-flung citizens of Houston with accessible intake and referral services, Multi-Door intake points were scattered throughout the city. While the primary intake point is within the Harris County courthouse, other intake points have been located in locations where citizens often come with problems.

Intake points. The intake points are listed below; the first two opened in late 1984 and the rest were added within six months.

1. District Attorney's Office. The Multi-Door program's primary intake point is the District Attorney's intake division within the Harris County Criminal Courts Building in downtown Houston. All citizen-initiated cases are first screened by the D.A.'s staff; approximately 40 to 50% of them are then referred to Multi-Door intake specialists. The D.A.'s office retains all serious assault cases, all cases where a weapon was used, fraud cases, and others.
2. Neighborhood Justice Center. The NJC, adjacent to the D.A.'s office is a second intake point. Due to the reputation and longevity of the NJC, most citizens calling the NJC do so with the knowledge that mediation may be appropriate for their particular dispute.
3. Justice of the Peace Court. The Chief Justice of the Justice of the Peace Courts houses an intake specialist, and also allows mediation hearings to be held outside his courtroom for day-of-trial, court-mandated mediation of small claims cases. The NJC and Multi-Door staff have worked at length to build JP support for alternative dispute resolution.

FIGURE 3: HOUSTON DISPUTE RESOLUTION CENTER CASE FLOW<sup>1</sup>



<sup>1</sup>Monthly intake figures are based on the caseload during the first seven months. All percentages are based on figures from the follow-up sample (n=463).



4. City Prosecutor's Office. The city prosecutor's office houses a fourth intake point. Soon after intake was initiated there, all intake for that office was assigned to the Multi-Door intake specialist.
5. Ingrando House. Ingrando House is a community center which houses alternatives programs for youth and a police sub-station which promotes crime prevention as well as other police/community activities. Multi-Door intakes are conducted there, and mediation hearings for neighborhood residents are held one night a week.
6. Ripley House. A second community center, Ripley House, houses another Multi-Door intake point. Ripley House serves Houston's Hispanic community and is a large multi-service center.

Staffing. The Multi-Door program and Neighborhood Justice Center are both led by the DRC director and share support staff; the other professional staff work solely for one program or the other but cooperate extensively. The Multi-Door program has six intake specialists; two serve at the district attorney's office. Intake at the NJC is handled by NJC staff. None of the Multi-Door staff are attorneys. The Multi-Door program is guided by the Alternative Dispute Resolution Committee of the Bar Association, which serves as the program's Board of Directors.

The initial staff was trained by the American Bar Association and NJC staff. The ABA presented several sessions covering the intake process and the NJC staff provided information on the justice system and dispute resolution programs available in Houston. The new intake specialists visited a number of referral agencies and observed intakes at the NJC and D.A.'s office before beginning Multi-Door intakes on the first of December 1984. New intake specialists were trained by current staff with the help of the ABA.

Outreach and public education. The Multi-Door program operated for many months with no formal outreach activities. A public relations firm was hired to develop a public education and outreach campaign. At the end of 1985, an in-depth proposal had been prepared to guide the campaign's implementation, with brochures and public service announcements planned. For much of the Phase I period, it is likely that citizens coming to the district attorney's office, city prosecutor's office, and JP court had little to no awareness of the Multi-Door program. At the other intake points, citizens coming to the agencies for a variety of purposes were directed to the intake specialists where appropriate.

#### Nature of the Caseload and Referral Agencies Used

Figure 3 depicts Houston's case flow. Total caseload

figures for the first seven months of Multi-Door operations in Houston are:

	<u>Intake Points</u>						<u>Total</u>
	<u>DA</u>	<u>NJC</u>	<u>Ripley House</u>	<u>Ingrando House</u>	<u>City Prosecutor</u>	<u>JP Court</u>	
Dec. 1984	335	36					371
Jan. 1985	444	45					489
Feb. 1985	412	39					451
Mar. 1985	517	56	67		47		687
Apr. 1985	458	28	70	18	115		698
May 1985	540	24	73	19	156	31	843
June 1985	437	16	32	26	132	37	680
Total	3,143 (75%)	244 (6%)	242 (6%)	63 (2%)	450 (11%)	68 (2%)	4,210

At least half of the disputes handled by the Multi-Door intake specialists were disputes over money, property, or contractual services, theft, fraud, or forgery. One-third were more interpersonal/criminal in nature, involving assault, threats, harassment, and various personal problems. Relationships between the parties were close to moderately close for the most part: 22% were domestic, family, or boyfriend/girlfriend relationships, and 42% were friends, acquaintances, or neighbors. One-third were more distant relationships, primarily consumer/merchant and client/service provider relationships. All dispute categories except for the contractual, business, and employment issues involved primarily friends, family, acquaintances, and neighbors.

About half of the cases were referred to the NJC for mediation; these cases included assault and harassment charges, although civil/monetary disputes predominated. Following the NJC, the major dispute resolution forums used were the Justices of the Peace (12%), District Attorney (10%), legal services (10%), and the city prosecutor (9%). Justices of the Peace were apt to receive disputes over money or property, assault cases, and consumer/contract disputes. Legal services (primarily legal aid and lawyer referral services) tended to receive disputes over money or property and consumer disputes. The district attorney was most apt to receive assault cases.

Cases at the D.A.'s intake were primarily assaults, threats, and disputes over money and/or property, including charges of theft and property damage. The NJC intake primarily handled money/property disputes, plus some interpersonal and neighborhood

problems; over 90% were scheduled for mediation. Intake conducted at the JP court involved both money/property disputes and misdemeanor charges of assault, harassment, and threats. Money/property issues, again, predominated at the community centers' intake points. The city prosecutor's intake handled primarily assault cases; 75% were referred to the city prosecutor.

Over half (56%) of the complainants and nearly three-quarters (74%) of the respondents were male. Forty percent of the disputants were white, 45% were black, and 11% were hispanic. For comparison, Houston's 1980 population was 54% white, 28% black, and 18% hispanic.

### Follow-up Results

Follow-up interviews were completed with 463 complainants. The majority of these cases came from the intake point at the district attorney's office. Forty-one percent of those cases were referred to the NJC, while 17% were referred back to the D.A. for re-consideration of charges, and 10% were referred directly to court processes.

Overall, 56% of the complainants called or went to the primary referral source suggested by the intake specialist. Forty-five complainants were also referred to a second agency. In the case of referrals to the NJC, district attorney, or prosecutor, all complainants in a sense call or go there. The intake specialists schedule the mediation hearings if the complainant is amenable to it during the intake interview. Referrals to the D.A. or prosecutor by specialists located in those offices result in an interview by the attorneys at the time of the Multi-Door intake. These cases may not be followed through by the complainant; 51% did not continue with the NJC process and 23% withdrew from the prosecution process. The lowest rate of follow through with a referral was found in court referrals--only 37% of the complainants followed up on referrals to court.

At the time of follow-up, 52% of the complainants reported the dispute was resolved, and 23% reported that it was pending. The highest resolution rates were found in harassment/threat disputes and money/property disputes (excluding case categories with very small numbers--100% of the handful of landlord/tenant and neighborhood disputes were resolved). The lowest rates of resolution were found in employer/employee and consumer/merchant disputes.

With the exception of assault cases, all types of cases were most frequently resolved via mediation. The district attorney's office resolved 42% of the assault cases, while mediation resolved 31%.

Overall, complainants were fairly satisfied with their experiences at the referral agencies. Two-thirds reported being quite satisfied with their experiences, while 19% were partially satisfied; only a relatively small number, 16% were displeased. The NJC received very high marks, with only 10% reporting dissatisfaction with their experience and treatment at the Justice Center. The lowest satisfaction rates were found in cases handled by the prosecutor's or district attorney's office and courts.

### III. Key Program Elements, Issues, and Findings

In this section, the major program elements and issues are discussed. Had this research effort been a traditional evaluation, statements about key components would be presented as evaluation results. While the assessment study was not cast or conducted as an evaluation, the summary statements below may be interpreted as findings of the Phase I Multi-Door program.

Important findings and issues fall into three categories: those related to the programs' structure and operations, intake and referral, and matching disputes to forums.

#### Issues/Findings Related to Program Structure and Operations

- The three Multi-Door Centers were developed and implemented during a two year period, although not without certain difficulties and delays often encountered by new experimental programs. Certain program decisions, notably the location of intake points and type of outreach efforts implemented, had a significant effect on program operations and outcomes. Institutionalization of intake services appears promising.

Program development and implementation processes were unlike those found in many field experiments, particularly those funded by the federal government. There was no funding guarantee for the programs (fund raising continued through the first half of Phase I), nor was there a "model" or cohesive set of program guidelines to follow. The Multi-Door Centers had staggered start-ups, with implementation slowed by funding uncertainties, staff turnover, conceptual problems about Multi-Door intake and the not atypical delays encountered in the development of any new program. There were long periods of planning and review by the many individuals involved in each program.

The type of program sponsor did not seem to have major impact on program implementation. Court sponsorship of the D.C. program provided some built-in support from the judiciary (and certainly access), substantial in-kind contributions, and possible institutionalization. It was also accompanied with bureaucratic regulations and a philosophical emphasis on easing court burdens, rather than serving citizens. Bar association sponsorship came with more independence regarding program organization and operations and substantial in-kind contributions. In Houston, ongoing funding is provided by legislated monies controlled by the bar association, but no funding is available from Tulsa's Bar Association. The Tulsa project director was given near total freedom to design and implement the program, under both the Municipal Court and Bar Association

sponsorship. This resulted in the early start date and emphasis on local fund raising.

The location and coordination of the intake and referral services had a substantial impact on program identity, the nature of the programs' caseloads, and working relationships among dispute resolution services. With the exception of D.C.'s courthouse intake point, intake and referral services were decentralized, housed within other agencies. This contributed to citizen confusion about the Multi-Door services and a lack of program identity. Many citizens using the intake services were not aware of the Multi-Door program. They thought they were talking to an intake person connected to the prosecutor's office, Better Business Bureau, D.A.'s office, etc.--wherever the Multi-Door intake specialist was physically located. Citizens often misunderstood the Multi-Door services, even when they were cognizant of whom they were speaking with during the intake interviews. A common expectation was that the intake specialist would help resolve the dispute directly, by intervening as a third party, forcing the respondent to pay, etc. This confusion and misperception about the Multi-Door services occurred in spite of the services being clearly outlined in program brochures and introductory statements made by intake specialists.

Outreach methods had differential effects. Strategies which reached the most citizens (e.g., police referrals, PSAs, etc.) were often very brief and citizens were not fully informed about the intake services. Methods which reached fewer numbers (presentations to organizations, brochures left in various places, etc.) contained more detailed information about the Multi-Door programs.

The nature of the caseloads in the Multi-Door programs was determined in large part by the locations of the intake points and outreach methods. The caseloads were dominated by interpersonal, minor criminal, small claims, and civil disputes between individuals, reflective of the types of cases handled by the agencies housing intake points. The sizeable group of disputes and complaints lodged by citizens against government agencies, utilities, and large corporations found in Tulsa was a result of the intake service at a television action line. Messages communicated to the public and referral agencies also contributed to the circumscribed nature of the caseload. There was no real effort to attract the business community or to encourage corporate attorneys and organizations to use Multi-Door intake services or alternative means of dispute resolution.

The decentralization of intake points contributed to the establishment of good working relationships and communication networks among the major legal and dispute resolution agencies in the Multi-Door sites. The key actors/participants in the Multi-Door intake and referral processes are the leading legal and dispute resolution officials in the Multi-Door cities. Instigated by Multi-Door staff and needs (informational and logistical) in regard to appropriate referrals, the agencies appear to have increased their coordination and communication. In short, the

"hodge-podge" of forums became more coherent, coordinated, and known to citizens through the establishment of intake and referral services.

Decentralizing intake and housing intake specialists within other agencies had other positive effects. Intake specialists were able to provide services to hundreds of citizens who might otherwise have received no assistance or entered inappropriate resolution processes with frustrating results.

Finally, the intake and referral services in all three sites were at least partially institutionalized (i.e., received ongoing funding to enable the services to continue indefinitely) by the end of Phase I. The D.C. Superior Court included monies for intake in their annual budget. In Houston and Tulsa, monies for dispute resolution programs are provided for by civil court filing fees. Their distribution is determined at the county level (in Houston, by the bar association) and some funds will support Multi-Door intake. The Oklahoma legislation providing for dispute resolution support was drafted by the Tulsa Multi-Door director.

#### Issues/Findings Related to Intake and Referral

- Intake and referral services were established at many locations, including courthouses. Thousands of citizens used the intake services during the project period, and the vast majority were satisfied with the service received.
- Referral decisions were based on the intake specialists' view of the match between dispute characteristics and dispute resolution forum characteristics, the complainant's desires, and criteria imposed by the agency sponsoring the intake service. Over a hundred different agencies and agents were used for dispute resolution in each program site. Included were "traditional" dispute resolution agencies (courts, prosecutors, attorneys, etc.), "alternative" dispute resolution agencies (mediation, arbitration, etc.), and others (social service agencies, consumer agencies, etc.).
- Referral agencies expressed positive views of the Multi-Door programs and reported positive changes in their agencies and caseloads due to the Multi-Door programs.

The intake process. Multi-Door intake aimed to (1) provide the citizen with immediate relief by offering a caring, empathetic, professional service and (2) diagnose a dispute with

expertise and explore options with the citizen to refer the case to the most appropriate place for resolution. Through training and supervision, the intake process at each intake point was to follow six steps:

- Introduction -- designed to make the complainant comfortable, explain the purpose of intake, and establish rapport.
- Complainant's narration -- time for the complainant to provide a fairly uninterrupted explanation of the dispute. Goal is to maintain an open, sensitive climate while gathering sufficient information for understanding.
- Problem identification and clarification -- a stage in which the intake specialist takes a more active role, gathering more information about the dispute, its history and severity.
- Problem summary -- the intake specialist summarizes the central issues in the dispute.
- Consideration of options and consequences -- a discussion of possible options for resolution, considering the client's resources and the consequences of various avenues.
- Option selection and assistance -- completion of the interview, to construct a plan of action for proceeding and encouraging the complainant to take personal responsibility for the plan.

The training program was designed and provided by Larry Ray of the ABA and Janet Rifkin of the University of Massachusetts, with assistance, materials, and additional training contributed by local staff and specialists. Intakes were to follow the six stages delineated above; actual intakes varied due to individual styles of the intake specialists and procedures made to accommodate the intake point. In Tulsa, most intakes were done by telephone, while intakes in Houston and D.C. were virtually all done face to face. Some were very quick, taking just a few minutes, while others continued for an hour or more.

Observations indicated that the intake model was followed in most cases, although each stage was of varying length and thoroughness. Citizens were listened to, allowed to tell their stories in their own way, often at length. The final two stages, option consideration and selection, exhibited the most variations. Referrals were made in different ways. Many interviews ended with a full consideration of options and a definite plan. In others, the intake specialist made a quick referral with no real exploration of the consequences. Referral procedures ranged from an informal verbal referral to the intake specialists scheduling mediation hearings, making appointments for the complainant, or initiating charges with the prosecutor's office.



The training of intake specialists was an important element of Phase I. The joint training by ABA and Multi-Door staff and local experts from dispute resolution agencies provided the specialists with the needed skills and information. The D.C. program extended the reach of the Multi-Door program by training intake staff from the Lawyer Referral and Information Service along with the Multi-Door staff. A similar process will be implemented in Houston, by providing Multi-Door intake training to intake clerks at the 16 Justice of the Peace Courts.

Citizen satisfaction with the intake process. The majority of the citizens using the intake centers were satisfied with their experience. Ninety percent were fully or partially satisfied and 92% said they would use the services again. Open-ended responses indicated that, citizens appreciated having someone to talk to in detail about their disputes. They felt the intake specialists were friendly and helpful. Negative reactions were expressed by some citizens whose expectations were not met. Citizens were not always sure what to expect from the intake centers, but many expected the center to resolve their dispute or at least intervene directly by investigating the complaint or dealing with the other party.

The confusion about the Multi-Door Centers was most evident in Tulsa and Houston. The intake specialists were confused with the staff of the agencies housing them (i.e., the Multi-Door intake specialist at the district attorney's office was seen as an assistant D.A.). In the District of Columbia, there was less confusion about the Multi-Door Center, due to its name, publicity, location, and advertised services.

Referral decisions. There were a number of factors which appeared to impinge on the referral(s) made by the intake specialists. An important one was the criteria imposed on referral decisions by the agency housing the intake function. Cases involving physical assault, weapons, etc., usually screened at the D.A. or prosecutor's intake point, were often referred unilaterally to prosecution.

The complainant's own wishes entered into the referral decision. In some cases, for example, the complainants wanted only one thing--prosecution and punishment. In other situations, the complainants simply wanted a resolution or restitution and were open to a variety of avenues that might be effective. There were notable site differences in the use of mediation and traditional court and prosecutorial processes. In Tulsa, referrals were made to mediation for 18% of the cases, versus 46% and 43% for Houston and D.C. In D.C., virtually no referrals were made to courts or prosecutors, whereas about a third of the Houston and Tulsa cases were referred to these agencies. The mediation programs in Houston and D.C. are considerably older and more well-established than Tulsa's Early Settlement and very closely tied to the Multi-Door programs. The differential use of traditional agencies may also be attributed to philosophical differences. The D.C. intake staff felt that courts and prosecu-

tion should be used as a last resort, while traditional agencies were used more readily in Houston and Tulsa. Housing the intake specialists within prosecutor's offices also encourages substantial referrals to these agencies and the courts.

The intake specialists often gave complainants several referral options in cases where it was felt that more than one resolution mechanism might prove helpful. The intake specialists were faced with widely divergent disputes and referral options every day, and the referral decision was often difficult to make. Some disputes were very simple (perhaps deceptively so in some cases), while others were very complicated, due to the relationship between the parties and/or the nature and history of the dispute.

Intake: Effects on referral agencies and citizens. Representatives from the major referral agencies used by the Multi-Door programs were interviewed. A noteworthy finding in itself is that, for the most part, the agencies that serve as the primary referral agencies for the intake services are those that house intake specialists.

Overall, the views of the agencies toward Multi-Door intake services were very positive and intake had some significant effects on agency operations and caseloads. Agencies housing intake specialists reported that the Multi-Door enabled them to ease or eliminate the intake services provided by their own staff. The district attorney in Houston, for example, reduced the office's intake staff by one public attorney and one clerk. The agencies were also pleased that assistance was being provided to citizens whose cases were inappropriate for the referral agency, and felt that Multi-Door intake services enhanced their services and public image.

Agencies receiving Multi-Door cases were satisfied with the referral relationship and reported, by and large, that the cases referred to them were appropriate. The agencies' self-reports indicate that their caseloads increased due to Multi-Door intake and referral services, but no pre/post data were collected. Several agencies felt that more communication and contact between their agencies and the Multi-Door program were needed. Only one agency expressed dissatisfaction with the Multi-Door program, stating that communication was poor and many referrals were inappropriate.

Finally, Multi-Door services achieved the objective of reducing the "runaround" citizens often encounter in trying to resolve disputes, particularly in having to tell their story over and over. In all three sites, citizens were able to schedule mediation hearings and initiate court proceedings through the Multi-Door services, eliminating the need for second intakes.

#### Issues/Findings Related to Matching Disputes to Forums

- The majority of the complainants followed up on the referral given by the Multi-Door intake specialists,

and just over 40% of the diverse cases were reported to be resolved some months after intake.

- There were patterns in the types of disputes successfully resolved by different agencies. Mediation was most successful in cases involving close relationships between the parties and disputes about harassment, money and property. Prosecutor's offices resolved assault cases, and attorneys were most successful with consumer and employment issues. Many disputes between citizens and government agencies or utility companies were resolved by government agencies.

Nearly 60% of all citizens utilizing Multi-Door services followed up by contacting the agency they were referred to by the intake specialists. The case flow diagrams illustrate that between 18% and 75% of the disputes were resolved by the initial referral agency, with wide variations in different agencies. Ultimately 43% of the disputes were fully or partially resolved, according to the complainant's self-report.

The follow-up results in the individual case studies indicate the outcome of the different types of cases in different types of agencies. Referrals were made to over 100 agencies in each site, from court to the Salvation Army. To enable patterns to be more easily discerned to assess the matching of disputes to forums, data from all three centers have been combined and categories collapsed in the presentations below. Tables 2 to 5 present summary follow-up results.

Relationships between the parties have been collapsed to include close relationships not easily broken (couples and friends), semi-close relationships (acquaintances and neighbors), distant relationships (distant at best--consumer/merchant, landlord/tenant, and employer/employee relationships), and cases with no relationship between the parties (citizen vs. government agencies or huge companies, and strangers). A new variable, casetype, was formed based on the parties' relationship and nature of the dispute. The casetype categories are:

- 1) Assault--includes all assault cases regardless of the relationship (the vast majority are close or semi-close).
- 2) Harassment/threats: and Interpersonal/family--like assault cases, these include all these types of disputes regardless of the relationship, yet tend to be disputes between those with close or semi-close relationships.
- 3) Neighborhood/nuisance cases--again, these disputes may be found in any relationship, but are mostly between neighbors.
- 4) Money and/or property disputes--this category excludes all distant relationships, primarily consumer/mer-

Table 2: Closeness of Relationship between Parties by Outcome of Case;  
Cases followed-up in Three Multi-Door Centers

Closeness of Relationship between the parties	Self-Reported Outcome of the Case				Total
	Resolved	Partially Resolved	Not Resolved	Pending	
Close	115 ( 48)* ( 29)**	5 ( 2) ( 12)	89 ( 37) ( 20)	31 ( 13) ( 21)	240 (100) ( 23)
Semi-close	67 ( 39) ( 17)	6 ( 3) ( 14)	83 ( 48) ( 19)	17 ( 10) ( 19)	173 (100) ( 17)
Distant	170 ( 38) ( 43)	16 ( 4) ( 37)	183 ( 41) ( 41)	75 ( 17) ( 52)	444 (100) ( 43)
No Relationship	46 ( 27) ( 12)	16 ( 9) ( 37)	88 ( 51) ( 20)	22 ( 13) ( 15)	172 (100) ( 17)
Total	398 ( 39) (100)	43 ( 4) (100)	443 ( 43) (100)	145 ( 14) (100)	1,029 (100) (100)

\*Row percentages  
\*\*Column percentages

$\chi^2 = 34.85, p < .01$

Table 3: Nature of the Dispute by Outcome of Case,  
Cases followed-up in Three Multi-Door Centers

Nature of the Dispute	Self-Reported Outcome of the Case				Total
	Resolved	Partially Resolved	Not Resolved	Pending	
Assault	32 ( 37)* ( 8)**	3 ( 3) ( 7)	32 ( 37) ( 7)	19 ( 22) ( 13)	86 (100) ( 8)
Harassment/threats Interpersonal/family	63 ( 46) ( 16)	2 ( 1) ( 5)	58 ( 42) ( 13)	15 ( 11) ( 10)	138 (100) ( 14)
Neighborhood/Nuisance	24 ( 31) ( 6)	9 ( 12) ( 21)	41 ( 53) ( 9)	3 ( 4) ( 2)	77 (100) ( 8)
Money and/or property	83 ( 45) ( 21)	3 ( 2) ( 7)	75 ( 40) ( 17)	25 ( 13) ( 17)	186 (100) ( 18)
Landlord/tenant	33 ( 42) ( 8)	3 ( 4) ( 7)	31 ( 40) ( 7)	11 ( 14) ( 8)	78 (100) ( 8)
Consumer/merchant	103 ( 34) ( 26)	10 ( 4) ( 24)	109 ( 41) ( 25)	42 ( 16) ( 29)	264 (100) ( 26)
Employee/employer	18 ( 29) ( 5)	1 ( 2) ( 2)	31 ( 50) ( 7)	12 ( 19) ( 8)	62 (100) ( 6)
Citizen vs. Gov't./ company	26 ( 27) ( 7)	10 ( 10) ( 24)	49 ( 51) ( 11)	11 ( 11) ( 8)	96 (100) ( 9)
Other	( 14) ( 41) ( 4)	( 1) ( 3) ( 2)	( 14) ( 41) ( 3)	( 5) ( 15) ( 3)	( 34) (100) ( 3)
Total	396 ( 39) (100)	42 ( 4) (100)	440 ( 43) (100)	143 ( 14) (100)	1021 ( 100) ( 100)

\*Row percentages

\*\*Column percentages

$\chi^2 = 52.09, p < .01$

Table 4: Closeness of Relationship between Parties by Type of Agency Which Resolved Dispute

Closeness of Relationship between the parties	Type of Agency Which Resolved Dispute							(Parties resolved dispute themselves)	Total
	Mediation	Prosecution/Police	Court	"Lawyering"	Consumer/Prof. Agency	Gov't. Agency	Other Agency		
Close	60 ( 40)* ( 51)**	18 ( 12) ( 26)	10 ( 7) ( 19)	16 ( 11) ( 23)	2 ( 1) ( 9)	2 ( 1) ( 4)	5 ( 3) ( 19)	36 ( 24) ( 23)	149 (100) ( 26)
Semi-close	22 ( 25) ( 19)	24 ( 27) ( 35)	3 ( 3) ( 6)	2 ( 2) ( 3)	1 ( 1) ( 5)	8 ( 9) ( 16)	0 ( 0) ( 0)	28 ( 32) ( 18)	88 (100) ( 16)
Distant	31 ( 12) ( 27)	16 ( 6) ( 23)	29 ( 12) ( 56)	43 ( 17) ( 61)	15 ( 6) ( 68)	20 ( 8) ( 41)	16 ( 6) ( 62)	79 ( 32) ( 50)	249 (100) ( 44)
None	4 ( 5) ( 3)	11 ( 14) ( 16)	10 ( 13) ( 19)	9 ( 12) ( 13)	4 ( 5) ( 18)	19 ( 24) ( 39)	5 ( 6) ( 19)	16 ( 21) ( 10)	78 (100) ( 14)
Total	117 ( 21)* (100)	69 ( 12) (100)	52 ( 9) (100)	70 ( 12) (100)	22 ( 4) (100)	49 ( 9) (100)	26 ( 5) (100)	159 ( 28) (100)	564 (100) (100)

\*Row percentages  
 \*\*Column percentages  
 $\chi^2 = 138.01, p < .01$

Table 5: Nature of Dispute by Type of Agency Which Resolved Dispute, Cases Followed-up in Three Multi-Door Centers

Nature of Dispute	Type of Agency Which Resolved Dispute								Total
	Mediation	Prosecution/ Police	Court	"Lawyering"	Consumer/ Professional Agency	Gov't. Agency	Other Agency	Parties resolved dispute themselves	
Assault	8 (15)* (4)**	28 (52) (41)	3 (6) (6)	3 (6) (4)	1 (2) (5)	0 (0) (0)	1 (2) (4)	10 (19) (6)	54 (100) (10)
Harassment & threats/ interpersonal & family	24 (30) (21)	11 (14) (16)	3 (4) (6)	9 (11) (13)	1 (1) (5)	6 (8) (13)	3 (4) (12)	22 (28) (14)	79 (100) (14)
Neighborhood/Nuisance	3 (9) (3)	2 (6) (3)	2 (6) (4)	1 (3) (1)	1 (3) (5)	7 (21) (15)	0 (0) (0)	18 (53) (11)	34 (100) (6)
Money and/or property	48 (44) (41)	15 (14) (22)	10 (9) (20)	7 (6) (10)	0 (0) (0)	2 (2) (4)	2 (2) (8)	25 (23) (16)	109 (100) (20)
Landlord/tenant	14 (31) (12)	1 (2) (1)	4 (9) (8)	5 (11) (7)	0 (0) (0)	3 (7) (6)	2 (4) (8)	16 (36) (10)	45 (100) (8)
Consumer/merchant	15 (10) (13)	4 (3) (6)	18 (12) (36)	28 (19) (41)	11 (9) (50)	12 (8) (25)	13 (9) (50)	44 (30) (28)	145 (100) (26)
Employee/employer	2 (6) (2)	4 (13) (6)	3 (10) (6)	7 (23) (10)	4 (13) (18)	0 (0) (0)	1 (3) (4)	10 (32) (6)	31 (100) (6)
Citizen vs. Gov't/ Company	1 (2) (1)	2 (5) (3)	5 (12) (10)	6 (14) (9)	2 (5) (9)	14 (33) (29)	3 (7) (12)	9 (21) (6)	42 (100) (8)
Other	2 (10) (2)	2 (10) (3)	2 (10) (4)	3 (15) (4)	2 (10) (9)	4 (20) (8)	1 (5) (4)	4 (20) (3)	20 (100) (4)
Total	117 (21) (100)	69 (12) (100)	50 (9) (100)	69 (12) (100)	22 (4) (100)	48 (9) (100)	26 (5) (100)	158 (28) (100)	559 (100) (100)

\*Row percentages  
 \*\*Column percentages  
 $\chi^2 = 238.25, p < .01$

chant. It includes money/property disputes between parties with a close, semi-close, or no relationship.

- 5) Landlord/tenant cases--includes all disputes between landlords and tenants, including upkeep and monetary issues.
- 6) Consumer/merchant--includes all disputes between consumers and merchants, including money, service, and product issues.
- 7) Employer/employee--includes all disputes between employers and employees including purely monetary issues.
- 8) Citizen vs. government or large company--includes all types of disputes citizens have against government agencies, utility companies, and large corporations.
- 9) Other--includes all disputes not fitting any category above.

The agencies which resolved disputes have been grouped into eight categories. Except for "lawyering", they are self-explanatory. The "lawyering" categories includes resolutions achieved by private attorneys, lawyer referral services, legal aid groups, and law clinics.

Across all three centers, 43% of the cases were resolved at the time of the follow-up interview and 14% were still pending. The greatest number of cases (28% of those resolved) were reportedly resolved by the parties themselves. Nearly half of these cases, however, were not given a referral by the intake specialists, indicating that the dispute was not deemed appropriate for a dispute resolution process. The other half were referred to, and most complainants had contact with, other agencies prior to the resolution by the parties themselves. The role of these agencies in assisting in resolution is not known. Twenty-one percent of the resolved cases were resolved by mediation processes, which were quite similar across the three sites, followed by prosecution processes (12%), "lawyering" (12%), court processes (9%), and government agencies (9%).

To test the relationship between the type of the case and its fit to a dispute resolution forum, a series of chi-squares were computed, cross-tabulating case resolution by the type of dispute, holding the agency referred to constant. The relation between casetype and success of resolution was significant only for mediation ( $X^2 = 21.33$ ,  $df=8$ ,  $p=.0063$ ), indicating mediation was more successful with certain types of disputes. Mediation processes were most successful with disputes involving harassment/threats and money and/or property issues, and other disputes between parties with close relationships (friend, neighbors, etc.) Mediation was least successful with consumer/merchant disputes. Similarly, chi-squares used to assess the relationships between case resolution and the relationship between the



parties were significant only for mediation. Mediation was far more successful when relationships were close rather than distant.

Tables 2 and 3 present the outcome of cases broken down by the closeness of the relationship between the parties and the nature of the dispute (the two major case characteristics used for typology development).<sup>2</sup> As seen in Table 2, the closer the relationship between the parties, the higher the rate of resolution. Furthermore, it can be seen in Table 3 that disputes involving disputants with a close relationship were most apt to be resolved by mediation processes, followed by the parties themselves. As relationships grow more distant, the justice system and attorneys are the resolution agents more often. For disputes involving parties with semi-close relationships, prosecution and mediation processes resolved over half of the cases, while a third were resolved by the parties themselves. In distant relationships as well, a third of the cases were resolved by the parties, followed by lawyers, prosecution, and mediation. Government agencies were the primary resolution agent for no relationship cases, followed again by the parties themselves.

In terms of the nature of the dispute, three types of cases had resolution rates of 42% or higher: harassment/threat disputes, disputes over money and/or property, and landlord/tenant disputes (Table 3). The most unresolved cases are found in disputes involving neighborhood/nuisance disputes and employee/employer problems. There were not large differences in the resolution rates of different types of cases, but there were differences in where they were resolved.

Assault cases were predominantly resolved by prosecution processes (Table 5). Disputes involving harassment, threats, and interpersonal issues; money and/or property; and landlord/tenant issues were resolved by mediation and the parties themselves. Neighborhood and nuisance cases were apt to be resolved by the parties themselves. Lawyers were most apt to be involved in resolving consumer/merchant and employee/employer disputes. Cases involving citizens and government agencies and large corporations were most apt to be resolved by government agencies (many of them are settling complaints made against themselves).

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<sup>2</sup>Methodological note: Complainants were referred to one or more agencies--they may or may not have used those agencies for resolution, and often tried more than one additional agency. In addition to recording the outcome of three referrals per case (whether the complainant contacted the agency or not, outcome of that contact, and satisfaction with the agency), the ultimate resolution of each case and which agency or agent resolved the case, if it was resolved, was recorded. Coding complexities and self-selection biases limited the extent of analysis beyond simple descriptive statistics.

Thus, there are dispute and resolution process characteristics which do match, resulting in the successful resolution of the disputes. Assault cases, involving violence and the clear violations of law, were primarily resolved by the threat and process of prosecution although few cases actually went to court. The D.A.'s office has the power to compel participation and both force and enforce a settlement/resolution. Although mediation aids in preserving ongoing relationships (such as those found in the assault cases), its use in domestic assault cases is increasingly under attack due to its voluntariness, lack of enforceability, possible perpetuation of power disparities, and compromise outcomes (see, for example, Lerman, 1982).

The disputes labeled harassment, threat, and interpersonal/family disputes are typically between individuals with personal, ongoing relationships, and involve issues that may be minor criminal offenses (e.g., threats of bodily harm, even the brandishing of a gun). These disputes are often the result of continuing disagreements, volatile relationships, and underlying problems and were most successfully resolved by mediation. Mediation offers flexible, compromise outcomes reflecting the disputants' concerns and priorities and an opportunity to address underlying problems, and may also increase the parties abilities to resolve future problems and enable the relationship to continue.

Disputes over money and/or property--whether between individuals with close or distant relationships (the latter referring to landlord/tenant and consumer/merchant cases) were also most frequently resolved via mediation. The closer the relationship between the parties in these money/property disputes, the more effective mediation was. McEwen and Maiman's (1981) research indicated that disputants volunteering for small claims mediation may be predisposed to compromise, and thus mediation proved to be an effective alternative to court, with substantially higher compliance rates.

Somewhat surprising is the typical avenue of resolution for landlord/tenant, consumer/merchant, and neighborhood/nuisance cases. The primary resolution agents in these cases were the parties themselves, followed by mediation, attorneys, and government agencies, respectively. These disputes were often minor and may have been amenable to compromise outcomes. In cases with distant relationships, such as consumer and employment problems, the parties may have unequal power which courts and attorneys are able to balance.

Weak and non-existent doors. The Multi-Door follow-up results identified several gaps in the dispute resolution processes in the sites, as well as weaknesses in existing processes. The disputes that seemed to be most difficult to resolve via dispute resolution forums were employer/employee, landlord/tenant, and consumer/merchant problems. The nature of these disputes affects their potential for successful resolution, regardless of the resolution process used. These disputes are often of the David-and-Goliath variety, in that the complainant

is typically a private citizen complaining against a more powerful entity.

Arbitration services were not heavily utilized by the Multi-Door sites. D.C. has a voluntary arbitration program for civil disputes, but very few referrals were made to the program. The only arbitration services in Tulsa and Houston are those offered by the Better Business Bureau for specific automotive disputes between consumers and four manufacturers. Arbitration services may be appropriate for use with a number of the minor criminal and civil cases handled by the Multi-Door centers. They share characteristics with the courts, in terms of compelling participation and enforcing outcomes, yet are apt to be more informal and give disputants more control over the process.

Ombuds programs are also missing from the Multi-Door sites and could be useful in the citizen vs. government cases. Many of these cases are intricate, involving complex agency regulations and often a protracted history of resolution attempts, often fraught with miscommunication and confusion.

Weaknesses and deficiencies in dispute resolution mechanisms were reported by complainants during the follow-up interviews. Any and all dispute resolution processes may be ineffective in a given situation, but several consistent problems were noted.

All mediation programs have two characteristics which are inherent to the process, yet are often viewed as deficiencies by complainants (and critics). Mediation is a voluntary process, and disputants cannot be compelled to participate (although they may be coerced into participating by a judge or prosecutor). Second, mediated agreements cannot be enforced by the mediation program. At best, a broken agreement can be taken to court for breach of contract; this is rarely done.

The traditional dispute resolvers have well known weaknesses as well. Citizens expressed dissatisfaction with the prosecutor's and D.A.'s offices because "nothing was done". On the other hand, minimal intervention (such as a letter sent to the respondent citing the complaint and municipal law) resolved a good number of cases to the complainant's satisfaction. Weaknesses were seen in the small claims court process when court judgments were reached in favor of the complainant, but the respondent did not follow through with payment. Garnishing wages, etc., requires more court hearings and citizen time. Private attorneys were effective in many cases, but beyond the means of many complainants. It was not unusual for Multi-Door complainants to be referred to a Lawyer Referral Service, discuss their cases with an attorney, and then find themselves back close to the beginning because they could not afford the attorney's fee to handle the case.

#### IV. Conclusion

The Multi-Door Dispute Resolution Programs, sponsored by the American Bar Association, were successfully established in three cities. The intake and referral services, which were the central component of the 18-month Phase I effort, were effective in many ways. Thousands of citizens were assisted by Multi-Door intake specialists; many of these citizens would have received no help at all prior to the establishment of intake services or might have wasted time and effort approaching inappropriate dispute resolution forums. Over 40% of the disputes brought to the intake services were ultimately resolved, often by the referral agency suggested by the intake specialists. The reactions of citizens using the services and the referral agencies receiving dispute cases were very positive, and the coordination and communication among legal and dispute resolution agencies improved in the Multi-Door sites.

The analysis of "fitting the forum to the fuss" indicated that there were patterns in matching disputes to forums. The methodology and purpose of the assessment study, however, resulted in limited advanced knowledge beyond that shown by prior research on single dispute resolution processes. The lack of random assignment, in particular, prevented a rigorous analysis of the matching process. There were a number of questions, big and small, that remain to be answered about the Multi-Door concept. In particular, future research should include a controlled experiment with random assignment of cases to forums to assess the "fitting" process in depth and provide a usable typology (if possible) to guide referral decisions. This study shows, however, that there are many forces which have strong influences on the referral decision, including agency criteria, the complainant's desires, and availability of forums. A controlled experiment would also assess the degree to which Multi-Door intake is different from "business as usual", intake as performed prior to Multi-Door.

An impact evaluation, planned for Phase III, is imperative. Many questions were raised during Phase I regarding the structure, cost, purpose, and impact of the Multi-Door Centers. If intake services are not to be centralized, but housed within existing agencies, could existing staff simply be trained to make appropriate referrals? Are Multi-Door services cost effective? Do they improve citizen access to justice, to courts, to fair dispute resolution processes, to effective resolutions? What are the effects of Multi-Door intake services on dispute resolution processes and the justice system, in terms of speed, caseload size, delays, and costs? To what extent are citizens becoming knowledgeable about available resolution processes? Should Multi-Door intake services continue, and if so, how should they be funded?

These are only a sample of the questions which have been raised during Phase I of the Multi-Door project. They do not

begin to address the efforts underway in Phase II -- development of arbitration services, implementation of ombuds, exploration of alternatives for "big case" litigation, and others. The Multi-Door experiment has far-reaching, exciting implications for the dispute resolution field, with enormous potential for expanding the system of justice used by individuals, businesses, and organized groups. Continued development and experimentation, evaluation, and widespread information dissemination are suggested by the Phase I experience.

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