



**The Effectiveness of Using Mediation
in Selected Civil Law Disputes:
*A Meta-Analysis***

The Effectiveness of Using Mediation in Selected Civil Law Disputes: A Meta-Analysis

Austin Lawrence

with Jennifer Nugent

and Cara Scarfone

2007

rr07-3e

*The views expressed herein are solely those
of the author and do not necessarily reflect those
of the Department of Justice Canada and the Government of Canada.*



Contents

List of Tables	ii
Acknowledgements.....	iii
Executive Summary	iv
1. Introduction.....	7
2. Method	7
2.1 Design of the Meta-Analysis	7
2.2 Sample: Study Identification Criteria	8
2.3 Coding Procedures.....	9
2.4 Effect Size Calculations.....	10
2.5 Limitations	10
3. Results.....	11
3.1 Number of Unique Outcomes	11
3.2 Study Characteristics	12
3.3 Mediation Group Characteristics	13
3.4 Comparison Group Characteristics.....	16
3.5 Survey Characteristics	17
3.6 Analysis	17
3.6.1 Time and Process Outcomes.....	19
3.6.2 Fairness and Satisfaction Outcomes	21
3.6.3 Cost Outcomes.....	23
4. Summation	25
5. Conclusion	27
5.1 Future Research	27
References.....	28
Appendix 1: Moderator Analysis : Time and Process Outcome Measures	31
Appendix 2: Moderator Analysis: Fairness and Satisfaction Outcome Measures.....	38
Appendix 3: Moderator Analysis: Cost Outcome Measures	43

List of Tables

Table 1: Number of Effect Size Outcomes	11
Table 2: Number of Measured Outcomes	12
Table 3: Study Characteristics	12
Table 4: Mediation Program Characteristics	13
Table 5: Mediator Characteristics	15
Table 6: Mediation Program Averages	16
Table 7: Comparison Group Characteristics	16
Table 8: Survey Characteristics	17
Table 9: Average Mediation Program Improvements to Time and Process Outcomes.....	19
Table 10: Effect Size Estimates of Time and Process Outcomes	20
Table 11: Effect Size Estimates of Fairness and Satisfaction Outcomes.....	21
Table 12: Effect Size Estimates of Cost Outcomes	24
Table 13: Average Mediation Program Improvements to Cost Outcomes.....	24



Acknowledgements

We would like to sincerely thank Jeff Latimer for his significant, and invaluable, assistance and support in the development and conduct of this study. In addition, we would like to thank the following individuals who have provided additional methodological advice on the conduct of the research: Kelly Morton-Bourgon, Wei Qiu and Paul Verbrugge. Our thanks go to the reference librarians at the Department of Justice, including Sylvia Nugent and Heather Blake, for their assistance in tracking down hard to find studies. Additional recognition must also be given to the time, effort and studies provided by various researchers, authors and librarians around the world – from Australia to England. We would like to recognize the following individuals for their constructive comments on earlier drafts of this report: Nathalie Quann, Jeff Latimer, Albert Currie, Suzanne Wallace-Capretta, and Anna Paletta. Finally, we would also like to thank the Early Resolution Option team at the Department of Justice for their confidence and support.

Executive Summary

Mediation is the process where an impartial party with no decision-making power intervenes between contending parties for the purpose of assisting them to reconcile, narrow, or settle a legal dispute. Proponents have identified mediation as a less adversarial alternative to court that can reduce costs, improve fairness and satisfaction.

Meta-analytic techniques are a quantitative method for aggregating knowledge, which have been used extensively in fields such as education and medicine, only more recently being adopted within the social sciences (Lipsey and Wilson 1993). Essentially, a meta-analysis aggregates the magnitude of a relationship between specific variables for collections of studies (Glass, McGaw & Smith, 1981).

Similar to many standard quantitative research methods, the meta-analytic process has three basic steps: literature review, data collection, and data analysis. Through an extensive literature review, and after contacting 85 individuals or organizations with expertise and experience evaluating mediation programs, over 250 sources were identified.

A specific set of criteria was then applied to ascertain if a study could be included in the meta-analysis:

1. the study evaluated a mediation program concerned with tort or contract cases (not criminal law, Aboriginal law or family law cases);
2. the study evaluated a use of mediation whose style was either evaluative, facilitative or transformative ('arbitration' and 'negotiation' were not included);
3. the study used a control or comparison group that did not use mediation or used mediation of a different type;
4. sufficient statistical information was reported in order to calculate an effect size; and,
5. at least one of the following four outcomes was reported for both the mediation group and comparison group —
 - plaintiff satisfaction;
 - defendant satisfaction;
 - procedural fairness; and/or,
 - cost effectiveness.
6. the study was conducted since 1980.

After applying the selection criteria, only 26 publications remained. Of these publications, some examined multiple mediation programs, while others examined multiple sites. In all, a total of 37 unique programs or sites were available for analysis.



Only 28 of the 37 unique studies of a specific mediation program at a particular site provided data that allowed us to generate the meta-analytic statistical measures called ‘effect size estimates’ (ESE), while 34 of the 37 unique studies provided data that provided us with averages for additional outcome measures. In all, 59 effect sizes and 97 other outcome measures were calculated. Operational data was augmented by surveys in most studies we evaluated. Thus, in addition to operational data this meta-analysis summarizes the responses of nearly 8,000 individuals’ comments upon their experience with a mediation program and over 2,000 individuals who commented upon their experience with a comparison group process.

For 10 of the 17 outcome measures that we could analyse, mediation programs demonstrated a positive impact. Therefore, the meta-analysis does indicate some broad improvement in outcomes when there is a mediation program. In the following areas mediation is demonstrated to provide an improvement:

- Measured Staff Hours Saved
- Measured Case Length
- Perception of Time Savings
- Proportion of Cases Successfully Settled
- Perceptions of Fairness
- Satisfaction with the Outcome
- Satisfaction with the Process
- Perception of Compliance
- Perceptions of Cost Savings
- Measured Costs Saved

In many cases we could not make statistically confident statements about outcome measures. This may be due to the level of variability in what the studies found or the sample may have been too small to provide a clear picture. It might also be that the impact of mediation to that outcome measure is actually very low, negligible or could even be marginally negative. This was the case with seven outcome measures:

- Measured Time Saved
- Number of Hearings
- Pre-Trial Conferences
- Number of Motions
- Long-term Satisfaction
- Perceptions of Reasonable Cost

Six programs or sites asked respondents in the comparison group if they would have preferred to use mediation over the process they did use. Of the people surveyed by the studies, slightly less than half (48%) thought they would have preferred to use the mediation alternative.

We also examined ‘moderator’ variables, which are those variables that influence the strength of a relationship between two other variables (Henriques 1999) to try to ascertain the characteristics most associated or disassociated with a particular outcome. In most cases the analysis of moderator variables was not fruitful. The majority of moderator variables which could be

confidently noted as improving an outcome measure could not be compared with any statistical reliability to any other moderator variable within the same outcome measure.

While these stand alone moderator variables may be strongly associated with effective mediation programs, they may also be artefacts of sample size. Thus, not many conclusions can be drawn from them. There were limited instances where more than one moderator variable within an outcome measure could be compared. However, in the majority of these instances either the confidence interval ranges of the moderator variables overlapped (indicating a similar impact) or one of the moderator variables was a catch-all category where one cannot be sure what was included. In only three instances, moderator variables could be more clearly compared with one another. The voluntary selection of mediation could reduce staff hours more greatly than mandatory mediation, case lengths are lower and measured cost savings are higher in mediation programs that are compared against comparison groups that only allow mediation ineligible case versus those that do. However, very small samples make drawing any conclusions from these comparisons difficult.

Only one moderator for one outcome measure in the meta-analysis found a negative outcome of mediation. In this one instance, the meta-analysis found that that programs where there was freedom to select to mediator resulted in a lower settlement rate than the comparison group, but that mediation programs where there was no freedom to select the mediator demonstrated an improved settlement rate.

Although the sample was too small to differentiate between types of mediation programs, the overall summary of the reported findings of mediation programs demonstrates definite positive benefits to using mediation.

Overall, mediation processes are fairly effective in creating both time savings and costs savings and that mediation results in improvements of at least 16% or 17% to perceptions of time and cost savings, which is also supported by documented savings in the areas of time and cost. Depending on the characteristics of the mediation program, these improvements could be up to at least 40%, but is more likely in the range of around 30%.

In addition, the meta-analysis shows that mediation results in improvements of at least between 3% and 6% to perceptions of fairness and satisfaction. Thus, mediation processes clearly result in marginal, but definite, improvements in perceptions of fairness and satisfaction. Depending on the characteristics of the mediation program, these improvements could be into the 15% to 25% range, but are more likely to be in the range of 10% to 15%.



1. Introduction

Mediation is the process where an impartial party with no decision-making power intervenes between contending parties for the purpose of assisting them to reconcile, narrow, or settle a legal dispute. Proponents have identified mediation as a less adversarial alternative to court that can reduce costs, improve fairness and satisfaction.

The Dispute Prevention Resolution Services of the Civil Litigation Division of the Department of Justice Canada are in the process of developing a pilot project in the area of mediation. This pilot project, called the Early Resolution Option (ERO), intends to reduce the time and costs associated with settling tort claims. The pilot project would make mediation mandatory for certain tort claims brought against the federal government. The development of this pilot project is directly linked to the corporate priority of “Managing the Volume of Litigation”.

This research was undertaken to support the development of the ERO pilot project, and assist with associated evaluation activities and business planning. The research and pilot project represent an investment in the future development of innovative ways to prevent or reduce the volume of litigation and develop appropriate dispute resolution instruments, policies and legislation, while also facilitating access to justice.

The objective of this meta-analysis is to quantitatively summarize the literature in comparable jurisdictions on the effectiveness of mediation in selected civil law matters. Particular areas for analysis will be possible financial savings through mediation programs, speedier resolution, and the increased satisfaction of parties (including cost effectiveness, plaintiff and defendant satisfaction, and procedural fairness).

2. Method

2.1 Design of the Meta-Analysis

Meta-analytic techniques are a quantitative method for aggregating knowledge, which have been used extensively in fields such as education and medicine, only more recently being adopted within the social sciences (Lipsey and Wilson 1993). Similar to many standard quantitative research methods, the meta-analytic process has three basic steps:

1. literature review – to identify and gather relevant research studies;
2. data collection – to extract data through a pre-determined coding procedure; and,
3. data analysis – to analyse the aggregated data using statistical techniques.

Proponents of meta-analysis, such as Rosenthal (1991) claim that “meta-analytic reviews go beyond the traditional reviews [of the literature] in the degree to which they are more systematic, more explicit, more exhaustive, and more quantitative. Because of these features,

meta-analytic reviews are more likely to lead to summary statements of greater thoroughness, greater precision, and greater intersubjectivity or objectivity” (p.17).

Essentially, a meta-analysis aggregates the magnitude of a relationship between two or more variables for collections of studies (Glass, McGaw & Smith, 1981). The studies under examination in a meta-analysis often differ on a number of important characteristics, such as the operationalisation of dependant and independent variables, sample selection methods, sample size and the quality of research design. A meta-analysis describes the typical strength of the relationships under investigation, the variability and the degree of statistical significance. A meta-analysis also provides a researcher with the opportunity to identify and explore variables that affect the strength of relationships between variables. The outcome of a meta-analysis is an ‘effect size estimate’ (ESE), which can be described as an estimate of the effect the independent variable has on the dependant variable. For instance, an average effect size of + 0.05 for an independent variable (e.g. evaluative mediation style) compared to a dependant variable (e.g. cost savings) could be described as “an evaluative mediation style accounted for a 5% improvement in cost savings”.

2.2 Sample: Study Identification Criteria

Studies were gathered for the meta-analysis through a comprehensive literature search. The search strategy started with on-line databases¹ and an Internet search, using search terms such as ‘dispute resolution,’ ‘alternative dispute resolution,’ ‘mediation,’ and ‘conciliation,’ as well as ‘mandatory mediation,’ ‘voluntary mediation,’ ‘mediation evaluations’ and related short forms. Further references were obtained through the examination of the bibliographies of sources that met the study criteria. In addition, in order to elicit unpublished or un-catalogued studies, 85 individuals or organizations with expertise and experience evaluating mediation programs were contacted, 50 responded. Using this method over 250 sources were identified.

A specific set of criteria were established in order for a study to be included in the meta-analysis:

1. the study evaluated a mediation program concerned with tort or contract cases (not criminal law, Aboriginal law or family law cases);
2. the study evaluated a use of mediation whose style was either evaluative, facilitative or transformative (‘arbitration’ and ‘negotiation’ were not included);²

¹ Electronic databases searched included LegalTrac, WilsonWeb, QuickLaw, LawSource, LexisNexis, HeinOnline, OCLC: ArticleFirst, Social Science Research Network, and Ingenta.

² “Facilitative Mediation: Facilitative mediation is based on the belief that, with neutral assistance, people can work through and resolve their own conflicts. In a facilitative mediation, the mediator will take an active role in controlling the “process.” Process means things like setting the ground rules for how the problem will be solved.

Evaluative Mediation: Evaluative mediation is based on the belief that mediators with expertise in the issues in conflict can help the parties to: Assess the strengths and weaknesses of their legal or other positions, and work to achieve settlements. In evaluative mediation, the mediator controls the process and suggests solutions for resolving the conflict. Individual meetings between the mediator and one party at a time (called “caucuses”) are a major component of evaluative mediation.

Transformative Mediation: Transformative mediation is based on the belief that conflict tends to make parties feel weak and self-absorbed. Transformative mediators try to change the nature of the parties' conflict interaction by



3. the study used a control or comparison group that did not use mediation or used mediation of a different type;
4. sufficient statistical information was reported in order to calculate an effect size;
5. at least one of the following four outcomes was reported for both the mediation group and comparison group —
 - plaintiff satisfaction;
 - defendant satisfaction;
 - procedural fairness; and/or,
 - cost effectiveness.
6. the study was conducted between 1980 and 2006.

After applying the selection criteria, only 26 publications remained. Of these publications, some examined multiple mediation programs, while others examined multiple sites. In all, a total of 37 unique programs or sites were available for analysis. (See Table 1 for details.)

2.3 Coding Procedures

Standardized information was drawn from each research study using a coding manual. Following the conventional standards of meta-analyses, multiple definitions of each of the outcomes of interest were accepted. For instance, the term ‘fairness’ covered related concepts such as ‘equity’ and ‘justice’ that were measured by some studies.

Several studies reported on the results of multiple, clearly identified comparisons between a mediation group and a comparison group. In these cases the different comparisons were coded separately.

The variables included in the coding manual were developed from the areas of analytic interest to the Department of Justice, but were also constrained to those variables which were commonly reported across a range of studies. For instance, although it would have been interesting to examine the impact of gender and minority status on the effectiveness of mediation, not many studies examined these variables. While an analysis of gender is common in studies of family law or criminal law mediations, it is not in studies of mediation in tort and contract cases. While limited examples of such studies do exist (Hermann 1993) they were not numerous enough to allow for a robust analysis.

In order to generate sufficient data for analysis, a number of coding techniques were employed. For example, if 70% or more of the study sample were real estate cases, we coded it as a “primarily real estate program” and if 70% or more of the study sample used evaluative mediation techniques, we coded it as a “primarily evaluative program”. We also accepted textual indications that the programs were primarily of a certain type. In addition, a number of variables were coded only if the authors made an explicit statement. For instance, the program was coded

helping them appreciate each others viewpoints ("recognition") and strengthening their ability to handle conflict in a productive manner ("empowerment")." (Mediation and Conflict Resolution Office 2007)

“yes” as a pilot project only if the authors directly stated this to be true. Furthermore, for variables indicating agreement or satisfaction, responses above neutral were tabulated as positive responses. Therefore, the comparisons made in this report are subject to these limitations. It should be noted that these are general issues with all meta-analytic research studies.

All values involving monetary amounts denominated in foreign currency were converted to Canadian dollars for comparison purposes. The average annual exchange rate (Antweiler 2005) for the last year in which data was collected for the study was used to make the calculation.

2.4 Effect Size Calculations

Following the meta-analytic techniques of Rosenthal (1991), the phi coefficient (Pearson’s r product moment correlation applied to dichotomous data) was used as the effect size estimate. In studies where one mediation group was compared against multiple comparison groups, the comparison groups were aggregated for the overall analysis and disaggregated for the analysis of comparison group effect.³ This allowed us to see if the type of comparison group was associated with different outcomes in the other variables. Also, where multiple follow-up periods were reported in a single study, the longer period was selected.

After the effect size from each study was calculated, a number of analyses were conducted across each of the outcome measures. First, the overall mean effect size and corresponding confidence intervals were calculated. Additional analyses were conducted to explore whether particular variables had a moderating effect on the magnitude of the effect size. For instance, if the information was available, the area of law targeted by the mediation program, if the mediation program was voluntary or mandated in some way and how mediators were trained and paid were examined to determine possible effects on program success. Thus, specific program characteristics were isolated for further examination.

2.5 Limitations

We found that many discussions or evaluations of mediation programs were largely qualitative, often conducted by people with law or legal studies backgrounds who may have had little training in quantitative research methods. In addition, a surprising number of studies that attempt to rationally utilize numbers in the evaluation of the mediation program did not adequately analyse the mediation program in comparison to any other group. Thus, although many studies were found and examined, most did not meet our study criteria. As this study did not include a qualitative review of the excluded studies, it is unknown if the findings from these qualitative studies of mediation programs or sites exhibited different characteristics or trends from the quantitative ones that are analysed here. It is conceivable that those mediation programs or sites designed with the primary goal of achieving time or cost savings might be more likely to be measured using quantitative methods, while those more focused on fairness and satisfaction might be more appropriately evaluated using qualitative methodologies and thus be excluded from this meta-analysis.

³ Where particular variables were not examined in every comparison group an average of the groups that did measure the variable were taken.



3. Results

Only 28 of the 37 unique studies of a specific mediation program provided data that allowed us to generate effect size estimates, while 34 of the 37 unique studies provided data that provided us with averages for other outcome measures. In all, 59 effect sizes and 97 other averages of outcome measures were calculated.

3.1 Number of Unique Outcomes

Table 1: Number of Effect Size Outcomes

Outcome Measure	Number of Effect Size Estimates: Unique Programs or Sites	Number of Effect Size Estimates: Comparison Group Disaggregated
Successfully Settled	20	24
Time Savings	6	6
Fairness	10	17
Motions ⁴	0	0
Satisfaction with Outcome	15	22
Satisfaction with Process	11	17
Long-term Satisfaction	1	2
Comply with Agreement	5	5
Reasonable Cost	5	5
Cost Savings	6	6

Studies commonly collected information on the impact that the mediation program had on case processing. However, these variables are captured not as percentages, but as whole number counts (e.g., 5.3 hours), which do not allow for the calculation of effect size. These measures are not ‘outcome’ measures in the sense that they measure a final result of the application of the mediation program on a temporally independent variable, but they can be considered ‘outcome’ measures in that they capture the results of the impact of the mediation program on considerations directly related to the reason mediation programs are initiated. Thus, the measures in Table 2, therefore, are not ‘outcome measures’ in the typical sense used in meta-analyses of

⁴ “A motion is a written request to the court for entry of an order granting certain relief based on applicable statutory and/or case law. Motion practice refers to the procedural or substantive motions that a party to litigation files with the court. A procedural motion is one that effects the procedural conduct of the case, for instance, to compel a party to respond to written discovery, such as interrogatories. A dispositive motion is a motion that, if granted, disposes of the case, such as a motion for summary judgment or a motion for dismissal. A motion for summary judgment can be generally described as a motion seeking judgment prior to trial on the grounds that based on the facts of the case and applicable law there are no triable disputed factual issues or legal disputes. A dismissal motion is a motion seeking dismissal of a lawsuit. Effective motion practice can play an important role in the outcome of litigation.” (Starr & Starr, PLLC 2006)

treatment programs. However, as they do objectively gauge the impact of mediation programs they have been included in this report through an analysis of averages.

Table 2: Number of Measured Outcomes

Measure	Number of Averages: Unique Programs or Sites	Number of Averages: Comparison Groups Disaggregated
Time Saved	8	11
Staff Hours Saved	13	13
Initiation-to-Resolution Time	27	34
Number of Hearings	6	9
Number of Pre-Trial Conferences	11	17
Number of Motions	12	12
Cost Saved	20	24

3.2 Study Characteristics

The studies were conducted between 1980 and 2004 with a median year of 1995. Since data analysis and dissemination take some time, the median date for the publication of results was 1997. Most of the studies were from the United States (68%) and most were published by governments (62%).

The most rigorous method for setting up a study is to use a random sample as a comparison group. This method was, indeed, used most frequently (43%) in the studies. Surprisingly, our sample of studies only included a few studies using the relatively simple method of a pre-post project implementation for comparison purposes (5%). (The possible reasons for this are discussed in ‘Future Research’, section 5.1 of this report.)

Table 3: Study Characteristics

Variable	Frequency (%)
Country	
Canada	9 (24.3)
United States	25 (67.6)
United Kingdom	1 (2.7)
Australia	2 (5.4)
Publication Type	
Academic	9 (24.3)
Government	23 (62.2)
Non-government Organization	5 (13.5)
Study Design	
Random sample	16 (43.2)



Variable	Frequency (%)
Comparison group	7 (18.9)
Matched comparison group	12 (32.4)
Pre/post design	2 (5.4)

3.3 Mediation Group Characteristics

The mediation programs being examined in most studies were ones where tort and contract cases were allowed (60%) and the area of law covered by the mediation program was ‘mixed’ (57%) making it difficult to ascertain if the area of law or type of litigation impacted upon the outcome measures.⁵

As can be seen in Table 4, many of the studies featuring facilitative mediation techniques in the mediation program (35%), but not many of the mediation programs examined in the collected studies (16%), were mandatory mediation programs. A greater number were mediation programs where mediation could be ordered by the court (35%). Although it may appear that mandatory programs and programs ordered by the court might be lumped together for the purposes of analysis, they cannot. While the level of coercion for ‘mandatory’ and ‘ordered by the court’ is similar, the mandatory programs captures all of the cases that met the mediation program criteria while the ordered by the court only includes a skewed sub-set of cases, thereby precluding aggregating the categories for the purposes of analysis.

Table 4: Mediation Program Characteristics

Variable	Frequency (%)
Pilot Project	
Yes	25 (67.6)
No	12 (32.4)
Type of Mediation	
Tort	12 (32.4)
Contract	2 (5.4)
Tort & Contract	22 (59.5)
Not noted or unclear	1 (2.7)
Area of Law	
Business or Commercial	3 (8.1)
Employment	4 (10.8)
Personal Injury	4 (10.8)
Small Claims	4 (10.8)
Other	1 (2.7)
Mixed	21 (56.8)

⁵ Many mediation programs deal with a mixture of different kinds of law. Where one kind of law represented at least 70% of the cases, it was coded under a specific category. If there was no 70% majority for one area of law, the mediation program was coded as “mixed”.

Variable	Frequency (%)
Choice to Participate	
Voluntary	17 (45.9)
Party driven	1 (2.7)
Ordered by court	13 (35.1)
Mandatory	6 (16.2)
Mediation Method	
Facilitative	13 (35.1)
Evaluative	9 (24.3)
Mixed	1 (2.7)
Not noted	14 (37.8)
Referral Stage	
Pre-trial	32 (86.5)
Trial	5 (13.5)
Complexity Criteria for Selection ⁶	
Complexity	3 (8.1)
Simplicity	4 (10.8)
Other	10 (27.0)
Not noted	20 (54.0)
Defendant	
Individual	12 (32.4)
Business, Organization or NGO	13 (35.1)
Government	3 (8.1)
Not noted or other	9 (24.3)
Plaintiff	
Individual	8 (21.6)
Business, Organization or NGO	25 (67.6)
Not noted or other	4 (10.8)

Experienced mediators indicate that the characteristics of the individual mediator are an important factor in the outcome of cases (Gordon Mamen,⁷ personal communication). Thus, a number of variables characterizing the mediator are often presented in studies of mediation programs.

⁶ This variable codes the question "Are the mediation group cases selected based on complexity or simplicity?"

⁷ Gordon Mamen is Counsel with the Litigation Branch, Department of Justice Canada. He provides training to Justice Department lawyers in mediation techniques and has extensive professional expertise mediating civil law disputes.



The majority of the studies in this meta-analysis examined mediation programs where the mediator was paid (81%) and had legal training as either a lawyer or paralegal (87%). Most mediation programs did not allow the litigants any freedom in selecting their mediator (57%). Interestingly, who paid the cost of the mediation was fairly evenly split between litigants (30%) and the government, program or court (35%). The remaining categories of mixed (8%) and not noted (27%) could possibly represent a similar distribution.

Table 5: Mediator Characteristics

Variable	Frequency (%)
Professionalism	
Paid (Noted)	16 (43.2)
Paid (Implied)	14 (37.8)
Paid (Both)	30 (81.1)
Volunteer (Noted)	6 (16.2)
Not noted or unknown	1 (2.7)
Legal Training	
Yes (Lawyer or Paralegal)	16 (43.2)
Yes (Lawyer or Paralegal Implied)	16 (43.2)
Yes (Both)	32 (86.5)
No	3 (8.1)
Not noted or unknown	2 (5.4)
Freedom to Select	
Full	7 (18.9)
Some	4 (10.8)
None	21 (56.8)
Not noted	5 (13.5)
Payment Stage	
Before	2 (5.4)
During	2 (5.4)
After	4 (10.8)
Not noted	29 (78.4)
Payment	
Litigant(s)	11 (29.7)
Government, Program or Court	13 (35.1)
Mixed	3 (8.1)
Not noted	10 (27.0)

A number of other mediation programs measured process-related outcomes. The average value that was under dispute in the mediation cases was just over \$74,000 Canadian. The average fees paid to the mediator per case were around \$850 Canadian. The history of litigiousness for those

entering mediation was not reported very often (k=2). The number of months that it usually took from the time a case was referred to the mediation program until the first mediation was reported fairly often in the studies (k=24). The average length of time was nearly 5 months.

Table 6: Mediation Program Averages

Variable	Mean (k) ⁸
Claim Value	C\$ 74,070.50 (12)
Average Fee	C\$ 859.90 (18)
Preparation Time	1.39 hours (13)
Litigiousness of Mediation Group	45.2 % with a history (2)
Referral-to-Meeting	4.90 months (24)

3.4 Comparison Group Characteristics

The kind of group against which the mediation program is being compared is important. The best comparison group would be those cases which were eligible for the mediation program, but litigated instead. This group represents a substantial proportion of all comparison groups (30%). The most common comparison groups were adjudication (32%).

Table 7: Comparison Group Characteristics

Variable	Frequency (%)
Type of Comparison Group	
Adjudication	12 (32.4)
Dropouts ⁹	1 (2.7)
Litigation (Eligible)	11 (29.7)
Litigation (Not Eligible)	2 (5.4)
Arbitration	1 (2.7)
Negotiation	4 (10.8)
Mixed or Aggregated Group	6 (16.2)
Defendant	
Individual	12 (32.4)
Business, Organization or NGO	13 (35.1)
Government	3 (8.1)
Not noted or other	9 (24.3)
Plaintiff	
Individual	25 (67.6)

⁸ By convention “k” is used to represent populations of studies in a meta-analysis.

⁹ This kind of study compares individuals who complete the mediation program with those who do not (the “dropouts”).



Variable	Frequency (%)
Business, Organization or NGO	4 (10.8)
Not noted or other	8 (21.6)
Complexity Criteria for Selection ¹⁰	
Complexity	5 (10.4)
Simplicity	4 (8.3)
Other	9 (18.7)
Not noted	30 (62.5)

3.5 Survey Characteristics

In order to get around the difficulties of collecting data that may be confidential, difficult or impossible to obtain from all parties to a mediation or a comparison group, as well as to get information on perception-based issues (such as fairness) the majority of studies administered surveys or questionnaires to either the mediation group (87%) or the comparison group (84%).

The questionnaires administered to the mediation group were routinely longer and more detailed than those administered to the comparison group. Overall, this meta-analysis summarizes the responses of nearly 8,000 individuals' comments upon their experience with a mediation program and over 2,000 individuals who commented upon their experience with a comparison group process.

Table 8: Survey Characteristics

Variable	Number of Studies (k)	Average Number of Respondents per study (n)	Total Number of Respondents (N)
Surveys Administered to a Mediation Group	32	249	7,977
Surveys Administered to a Comparison Group	31	77	2,373

3.6 Analysis

There were enough programs and sites in the sample of studies to make many statistically significant statements about outcomes with high levels of confidence. When we state that we can be 'confident' about an outcome measure we mean that the studies we examined reported that mediation had a measurable impact. If it is noted that we cannot be 'confident' about an outcome measure we mean that the studies we examined were too few in number to provide us with good data or that results were mixed with some studies finding that mediation had a constructive impact and some finding a more detrimental impact. Moreover, it may not be merely variability or small sample that is the main issue, but that the impact of mediation on that

¹⁰ This variable codes the question "Are the comparison group cases selected based on complexity or simplicity?"

outcome measure is actually very low, negligible or even possibly marginally negative. Unfortunately, we cannot distinguish between these possibilities in a meta-analysis. Therefore, the absence of ‘confidence’ could possibly indicate a more negative impact for the variable in question or it could be the result of a small and variable set of data. Hence, no firm conclusions should be inferred from findings in which we have low levels of ‘confidence’. Along these lines, there is a difficulty, in that the small sample sometimes contributed to very wide confidence interval ranges.

In our analysis we also examined ‘moderator’ variables, which influence the strength of a relationship between two other variables (Henriques 1999). The moderator analysis was undertaken to try to ascertain the characteristics that were most associated or disassociated with a particular outcome.¹¹ The difficulty was that when examining the ‘moderator’ variables the number of programs or sites reporting this kind of information dropped even further. These small numbers resulted in low levels of confidence for much of the moderator analysis. As a result, there were very few outcome measures for which more than one moderator option could be discussed with any statistical confidence.

In only one instance was there a moderator variable that was negatively associated with an outcome measure. In this one case it could be compared to a positive association. There were many single instances, and some comparative instances, where positive associations could be drawn between moderators and an outcome measure. In the majority of moderator analyses there was only one statistically strong moderator having a positive association. In the vast remainder of the rest there were only vague differences in the degree of positive association of two moderators within one outcome measure. Therefore, the moderator analysis provided no major conclusions. This section presents detailed information about the fairly strong statements that can be made about aggregated measured outcomes and the meta-analysis of effect sizes of perception based measures, while listing how many moderators indicated a positive association with an outcome measure and a brief discussion of the few instances where more than one moderator can be examined for an outcome measure.

In all instances 95% confidence intervals have been calculated. A confidence interval (CI) is a statistic showing the range above and below the calculated mean where 19 times out of 20 the ‘true’ mean will actually appear. In many cases the confidence interval is detailed in the following analysis. The 95% confidence interval for which we are statistically confident in results are simply reported, while those 95% confidence intervals for which we are not statistically confident will be labelled with “n.s.” for ‘non-significant’. Those numbers for which we are not confident (i.e., n.s.) cross zero in their 95% confidence interval. They, therefore, may have the opposite association of that indicated by the mean number or they may be only the results of one study.

It should also be noted that by convention “k” is used to represent the number of study programs or sites which reported a sufficient amount of data to make a particular calculation. It does not

¹¹ Examples of the two types of questions asked in a moderator analysis are: Does the moderator variable of ‘study design’ have an association on the outcome measure of ‘perceptions of reasonable cost’? Do different moderator variable options within ‘study design’ – random assignment, straight comparison, matched comparison, pre/post design – have different associations with the outcome measure of ‘perceptions of reasonable cost’?



reflect the number of studies which report any information about a certain issue, since congruent information about both the mediation group and a comparison group were required to make effect size calculations.

Please refer to Appendix 1 and 2 for details on the moderator analysis.

3.6.1 Time and Process Outcomes

A number of outcome measures were reported for time and process variables. They can be divided into two groups; those that are measured by mean improvements in caseload characteristics and those for which effect sizes can be calculated. For the mean improvements, these variables include the time saved by using the mediation program over a comparison group, the number of staff hours saved, the reduction in time from the initiation of a case to the resolution of a case, the reduction in the number of hearings or meetings, the reduction in the number of pre-trial conferences and the reduction in the number of motions. For the effect sizes, these variables include survey respondent agreement that the mediation program resulted in a net time savings over a comparison group, and agreement that a reduction in the number of motions had occurred.

We could calculate mean outcome measures for six variables assessing time and process outcomes, using between 6 and 27 programs or sites for the calculations. We could only be confident of the meta-analytic summary for the number of staff hours saved and the reduction of the total case length.

We could calculate mean outcome measures for staff hours saved in 13 different programs or sites. On average, cases that were processed through mediation demonstrated a savings of 61.1 hours in the amount of staff time an individual case took when compared to cases in a comparison group (plus or minus 27.51 hours, 19 times out of 20).

We could calculate mean outcome measures for reduction in case length in 27 different programs or sites. On average, cases that were processed through mediation were nearly 5 months shorter from initiation to resolution in mediation compared to cases in a comparison group (plus or minus 3.26 months, 19 times out of 20).

Table 9: Average Mediation Program Improvements to Time and Process Outcomes

VARIABLE	Mean (k)	95% CI
Time Saved ¹²	(n.s.) 0.49 hr (8)	- .19 to + 1.17
Staff Hours Saved	61.1 hrs (13)	+ 33.59 to + 88.62
Case Length	4.99 mo (27)	+ 1.73 to + 8.26
Number of Hearing	(n.s.) 0.21 (6)	- .05 to + 0.47
Pre-Trial Conferences	(n.s.) 0.04 (11)	- .25 to + 0.33
Motions	(n.s.) 0.67 (12)	- .18 to + 1.52

¹² "Time Saved" is the average amount of time saved by using the mediation program over the comparison group, in hours per case, as reported by the study.

We could calculate effect sizes for the perception of time savings in only 6 different programs or sites. On average, cases that were processed through mediation demonstrated a 31% improvement in perceptions of timeliness compared to cases in a comparison group (plus or minus 15%, 19 times out of 20). The differences in opinions between lawyers and litigants could not be accurately compared because the effect size estimate for time savings crossed zero in the case of litigant surveys (95% confidence interval between - 0.9 and + 0.33). However, based on four reporting studies, we can be confident (plus or minus 27%, 19 time out of 20) in stating that lawyers felt that mediation resulted in a time savings over a comparison group.

None of the examined studies asked for opinions regarding a reduction in motions.

Table 10: Effect Size Estimates of Time and Process Outcome

Variable	Mean ESE (k)	95% CI
Time Savings ¹³	+ .31 (6)	+ .16 to + .46
Motions	N/A	N/A

3.6.1.a Moderator Analysis of Time and Process Outcomes

There were a fair number of associations between a moderator option and improvements in certain time and process outcome measures; time savings (7), staff hours (23), case length (23), perceptions of time savings (17). The outcome measures for which there was no demonstrated improvement due to mediation predictably had very few moderator options that was associated with improvement in the outcome measure; number of hearings (1), number of pre-conference meetings (1), number of motions (0). Although these could be due to these options being more effective than other options within the moderator variable, without other options to compare them too it is also possible that they are artefacts of the small sample size.

The moderator analysis of time and process outcome measures only found 2 instances where different options within a moderator variable could be compared (i.e., for staff hours and case length). In the other 7 instances, where moderator variables could be compared the ranges of the confidence intervals overlapped, indicating that their impact was fairly similar.

The moderator analysis for staff hours found that there were two instances in the variable of freedom to select the mediator where the examined studies allowed us to confidently make a comparison. Where the selection of the mediator was voluntary (k=6) the associated reduction in staff hours was 97.8 (plus or minus 39.3 hours, 19 times out of 20), while where the selection of the mediator was mandatory (k=2) the associated reduction in staff hours was 50.0 hours. It could be that the voluntary selection of the mediation has more of an impact in reducing staff hours than mandatory mediation. However, when we see the small number of studies from which data on mandatory mediation was drawn (k=2) it does not appear that this conclusion can be supported very strongly.

¹³ “Time savings” represents the improvement in the percentage of survey respondents that were in agreement that the mediation process resulted in a net time savings compared to other alternatives.



The moderator analysis for case length found that it was possible to make statistically significant calculations regarding mean reductions in case length for comparison groups that were eligible for mediation (k=10) and litigation cases that were not eligible for mediation (k=2). For studies using a litigation eligible comparison group the associated reduction in case length was 4.49 months (plus or minus 3.67 months, 19 times out of 20), and for studies using a litigation ineligible comparison group the associated reduction in case length was 26.00 months. Thus, it could be that mediation programs do better than comparison groups that involve litigation of a type that is ineligible to go through mediation. Again, however, when we see the small number of studies from which data on mandatory mediation was drawn (k=2) it does not appear that this conclusion can be supported very strongly.

In the other cases where moderator variables could be compared the ranges of the confidence intervals overlapped, indicating that their impact was fairly similar, or were of little analytic value because one of the moderator variables was a catch-all category (e.g., ‘mixed’ or ‘other’).

3.6.2 Fairness and Satisfaction Outcomes

A large number of outcome measures were reported for perceptions of both fairness and satisfaction. Although the majority of outcome measures of this kind were subjective opinions, one was an objective measure of the case settlement rate. We could calculate effect sizes for all of the fairness and satisfaction outcome measures. Of the 6 outcome measures of fairness and satisfaction reported in the studies viewed only long-term satisfaction could not be analysed because only one study provided sufficient data on this outcome measure.

Table 11: Effect Size Estimates of Fairness and Satisfaction Outcomes

Variable	Mean ESE (k)	95% CI
Cases Successfully Settled	+ 0.11 (20)	+ 0.05 to + 0.17
Perception of Fairness	+ 0.14 (17)	+ 0.04 to + 0.24
Satisfaction with the Outcome	+ 0.10 (15)	+ 0.04 to + 0.16
Satisfaction with the Process	+ 0.13 (11)	+ 0.03 to + 0.24
Perception of Compliance	+ 0.16 (5)	+ 0.06 to + 0.26

We could calculate the effect size for the number of cases that were settled as a result of the mediation or comparison group process (i.e., the settlement rate). On average, the cases using a mediation group process demonstrated an 11% improvement in the rate at which cases were settled in contrast to a comparison group (plus or minus 6%, 19 times out of 20).

We can confidently assert the use of a mediation group process resulted in a 14% improvement in the perception that a process was fair or just when compared to some comparison group (plus or minus 10%, 19 times out of 20), in the 17 studies examined. Unfortunately, the difference in opinions regarding fairness between lawyers and litigants could not be compared because only

one effect sized estimate for fairness could be calculated for lawyer respondents. Of the 17 effect sizes calculated using the litigant surveys the average improvement in the perceptions of fairness was 20% (plus or minus 7%, 19 times out of 20).

One type of outcome measure that was captured in many of the studies (k=15) was the percentage of the mediation group surveyed who agreed that they were satisfied with the outcome of the mediation. If it was unclear whether or not this kind of ‘personal satisfaction’ was being asked for instead of the ‘satisfaction with the dispute resolution process,’ the study was coded not with this outcome measure, but with the one examining satisfaction with the process. On average, cases that were processed through mediation demonstrated a 10% improvement in perceptions of personal satisfaction compared to cases in a comparison group (plus or minus 6%, 19 times out of 20). Unfortunately, we could not confidently compare lawyer and litigant impressions on this issue, since the statistical range of confidence for the lawyer surveys spanned both positive and negative numbers. However, of the 22 effect size estimates calculated for litigant surveys the demonstrated improvement in satisfaction with the outcome was 17% (plus or minus 6%, 19 times out of 20).

One of the dangers of asking subjective questions regarding satisfaction is that responses may be skewed by respondents whose are unable to distinguish between their level of satisfaction with the mediation program itself and the result (i.e., settlement) that they received from the mediation. This can clearly be the case when respondents are asked for their level of personal satisfaction, as they were done in the question reported in the previous paragraph. However, by structuring the question to examine the percentage of the mediation group surveyed agreeing that they were satisfied with the mediation program, one might be more likely to receive answers that are less coloured by individual bias. When outcome measures examining this kind of satisfaction are analysed (k=11), on average the cases that were processed through mediation demonstrated a 13% improvement in perceptions of satisfaction with the process compared to the comparison group (plus or minus 11%, 19 times out of 20). Again, the information provided did not allow any kind of confident comparison between the opinions of lawyers and litigants. However, in 18 surveys of litigants the demonstrated improvement in perceptions of satisfaction with the process was 20% (plus or minus 7%, 19 times out of 20).

Only one of the studies that was examined in this meta-analysis included sufficient data to calculate an effect size estimate for long-term satisfaction in some kind of secondary follow-up period. Thus, no aggregated summary of the effect of mediation on the long-term satisfaction could be made.

Some of the studies in the meta-analysis asked survey respondents if they thought that the agreement, settlement, disposition, resolution, etc. was being, or would be, complied with. Of the 5 studies reporting sufficient information, on average, cases that were processed through mediation demonstrated a 16% improvement in perceptions that the agreement would be complied with when compared to some comparison group (plus or minus 10%, 19 times out of 20). Again, no confident comparisons could be made between the opinions of lawyers and litigants. However, we can be confident in stating that the litigants surveyed demonstrated a 16% improvement in the perceptions that agreement would be complied with (plus or minus 5%, 19 times out of 20).



There were fewer surveys conducted of lawyers than of litigants, which made any comparisons between the groups difficult. The mean effect size for fairness and satisfaction outcome measures for lawyers always crossed zero, where the lowest confidence interval indicates a negative association and the highest confidence interval indicates a positive association, thus, providing no clear conclusions. Generally, we observe that the opinions of lawyers appeared to be more variable and include less positive assessments of the fairness and satisfaction outcome measures than those of litigants.

3.6.2.a Moderator Analysis of Fairness and Satisfaction Outcomes

There were a fair number of confident associations between a moderator option and improvements in certain fairness and satisfaction outcome measures; case settlement rate (21), perception of fairness (14), perception of satisfaction with outcome (22), perceptions of satisfaction with process (10), and perception of compliance (14).

In 12 of the 13 cases where moderator options for fairness and satisfaction outcome measures could be compared the ranges of the confidence intervals either overlapped, indicating that their impact was fairly similar, or were of little analytic value because one of the moderator variables was a catch-all category.

In one case the moderator analysis found that when there is full freedom to select the mediator ($k=2$) the studies reported results that demonstrates an average erosion of the case settlement rate of 6% (plus or minus 2%, 19 times out of 20), while when there is no freedom to select the mediator ($k=13$) their was a demonstrated average improvement in the settlement rate of 15% (plus or minus 8%, 19 times out of 20).

3.6.3 Cost Outcomes

A few outcome measures were reported for cost. They, in turn, can be divided into two groups; one that measured by mean improvements in caseload characteristics and those for which effect sizes can be calculated. One variable that was reported by a sufficient number of studies was the estimated or actual costs saved by using the mediation program over a comparison group, calculated as Canadian dollars. For the effect sizes, these variables include survey respondent agreement that the costs associated with mediation program were reasonable in contrast to a comparison group, and agreement that the mediation group process resulted in a net cost savings compared to a comparison group.

We could calculate effect sizes for perception of reasonable cost savings in only 5 different programs or sites.¹⁴ Unfortunately, the data reported in the examined studies cannot conclusively demonstrate an improvement in perceptions of reasonable cost compared to cases in a comparison group.

¹⁴ Studies generally asked two types of perception questions regarding cost. One type of question asked if the cost was generally 'reasonable,' 'fair,' 'appropriate' or something similar, while the second type asked respondents if costs had been saved when considering a comparison process.

We could calculate effect sizes for perception of cost savings in 6 different programs or sites. On average, cases that were processed through mediation demonstrated a 29% improvement in perceptions of cost savings compared to cases in a comparison group (plus or minus 11%, 19 times out of 20). The differences in opinions between lawyers and litigants could not be accurately compared because the effect size estimate for cost savings crossed zero in the case of litigant surveys (95% confidence interval between - 0.41 and + 0.79). However, based on 5 studies surveying lawyers, we can be confident (plus or minus 13%, 19 time out of 20) in stating that lawyers felt that the mediation group program demonstrated a 30% improvement in cost savings compared to cases in a comparison group.

Table 12: Effect Size Estimates of Cost Outcomes

Variable	Mean ESE (k)	95% CI
Perception of Reasonable Cost	(n.s.) + 0.03 (5)	- 0.13 to + 0.18
Perception of Cost Savings	+ 0.29 (6)	+ 0.17 to + 0.40

We could calculate a mean outcome measure for only one variable assessing cost outcomes, using 20 programs or sites for the calculation. As it was a commonly reported outcome measure in the studies we examined there was sufficient information to allow us to calculate the overall mean for many moderators.

As noted, we could calculate mean outcome measures for estimated or actual costs saved in 20 different programs or sites. On average, cases that were processed through mediation demonstrated a cost savings of \$16,220 Canadian, per case, in the mediation group program compared to cases in a comparison group (plus or minus \$8,402, 19 times out of 20).

Table 13: Average Mediation Program Improvements to Cost Outcomes

Variable	Mean (k)	95% CI
Costs Saved	C\$ 16,220 (20)	+ 7,818 to + 24,623

3.6.3.a Moderator Analysis of Cost Outcomes

There were a fair number of associations between a moderator option and improvements in certain cost outcome measures; perceptions of cost savings (21), and measured costs savings (27). For perceptions of reasonable cost there were none.

In all 5 cases where moderator options for cost outcome measures could be compared the ranges of the confidence intervals either overlapped, indicating that their impact was fairly similar, or were of little analytic value because one of the moderator variables was a catch-all category.



4. Summation

Much of the preceding analysis is quite dense and it is a bit difficult to see the ‘forest’ of what works in mediation for the ‘trees’ of numerous variables that are considered in various mediation studies. This section will highlight the most relevant findings from the preceding presentation. Choosing what to highlight is contingent upon the robustness of the statistical summaries undertaken in the meta-analysis.

For 10 of the 17 outcome measures we were able to make a confident statement about the positive impact of a mediation program versus a comparison group reported in one of the studies we examined. Therefore, this meta-analysis does indicate some broad improvement in many outcome measures. When there is a mediation program the following outcomes are improved:

- Measured Staff Hours Saved
- Measured Case Length
- Perception of Time Savings
- Cases Successfully Settled
- Perceptions of Fairness
- Satisfaction with the Outcome
- Satisfaction with the Process
- Perception of Compliance
- Perceptions of Cost Savings
- Measured Costs Saved

Our sample size was fairly small because not many studies exist that met our study criteria. Therefore, when a more detailed analysis of overlapping variables are undertaken the numbers with which calculations are made becomes very small. Thus, it was quite difficult to report with statistical confidence about every outcome measure since, for some outcome measures, the findings of different studies varied too widely. However, when we cannot make a statistically confident statement about a variable, it may not be variability or small sample that is the issue. It is also possible that the impact of mediation on that outcome measure is actually very low, negligible or even possibly marginally negative. This was the case in seven instances:

- Number of Hearings
- Pre-Trial Conferences
- Number of Motions
- Measured Time Saved
- Long-term Satisfaction
- Perceptions of Reasonable Cost

These ambiguous or negative results may be caused by any number of factors. All would require further evaluative research. A number of these outcomes are directly related to judicial and legal procedure (number of hearings, pre-trial conferences, number of motions). Attempting to compare them across very different jurisdictions and areas of law may have resulted in a degree of variability that does not allow for a useful comparison. While the meta-analysis showed a

positive impact of mediation on actual cost savings and perceptions of costs savings, perceptions of reasonable cost savings was not. This may be because expectations of cost savings as a result of using the mediation program were higher than the actual cost savings that were realized.

It is also interesting to note that the surveys in some studies (k=6) asked people in the comparison group if they would have preferred to use mediation over the process they did use. Of the people surveyed, slightly less than half (48%) thought they would have preferred to use the mediation alternative. This ambivalent result may be due to the fact that people accommodate themselves to the situation in which they find themselves or that knowledge of what was (or would) have occurred in the mediation program with their case could only be imperfectly known (if at all).

In most cases the analysis of moderator variables was not fruitful. The majority of moderator variables which could be confidently noted as improving an outcome measure could not be compared with any statistical reliability to any other moderator variable within the same outcome measure. While these moderator variables may be most strongly associated with effective mediation programs, they may also be artefacts of sample size. Thus, not many conclusions can be drawn from them. There were limited instances where more than one moderator variable within an outcome measure could be compared. However, in the majority of these instances either the confidence interval ranges of the moderator variables overlapped (indicating a similar impact) or one of the moderator variables was a catch-all category where we could not be sure what was included. In only three instances, moderator variables could be more clearly contrasted with one another. The voluntary selection of mediation was associated with reduced staff hours to a greater degree than mandatory mediation. Case lengths are lower and measured cost savings are higher in mediation programs that are compared against a comparison group that only allows mediation ineligible cases versus those that allow mediation eligible cases. However, very small samples make drawing any firm conclusions from these comparisons difficult.

Only one of the calculations in the meta-analysis found a negative outcome of mediation. In this one instance, the meta-analysis found that that programs where there was freedom to select a mediator resulted in a lower settlement rate than the comparison group, but that mediation programs where there was no freedom to select the mediator demonstrated an improved settlement rate.

5. Conclusion

The results of this meta-analysis represent an accumulation of the knowledge from more than 26 studies dealing directly with mediation programs. Although the sample was too small to differentiate between types of mediation programs, the overall summary of the reported findings of studies and evaluations of mediation programs demonstrates definite positive benefits in using mediation.

Overall, mediation processes are fairly effective in creating both time savings and costs savings. The meta-analysis shows that mediation results in improvements of at least 16% or 17% to perceptions of time and cost savings, which is supported by documented savings in the areas of time and cost. Depending on the characteristics of the mediation program, these improvements could be at least 40%, but are more likely in the range of around 30%.

In addition, the meta-analysis shows that mediation results in improvements of at least between 3% and 6% to perceptions of fairness and satisfaction. Thus, mediation processes clearly result in marginal, but definite, improvements in perceptions of fairness and satisfaction. Depending on the characteristics of the mediation program, these improvements could be into the 15% to 25% range, but are more likely to be in the range of 10% to 15%.

5.1 Future Research

There are several avenues of research that could be explored in the future, which might improve upon the research method utilized in this meta-analysis or expand upon these findings.

In the present meta-analysis a number of studies arrived too late to include in the analysis (such as Schultz 1990 and Herman 1993). Additionally, the bibliographies of other studies that arrived late in the research process could not be adequately explored in the time remaining to us. The research also found that identifying studies designed with a pre-post comparative sample were very hard to identify through abstracts and the titles of reports. Therefore, future collection of studies for a meta-analysis may need to proceed from a qualitative omnibus literature review, in order to identify studies that are not well-abstracted or identified in library holdings.

Although French search terms were utilized and French speakers contacted for possible leads, very few French studies were collected for review and none of these met the study criteria for inclusion in this meta-analysis. This may be the result of a number of factors, including English and French literatures that do not overlap, differences in legal and regulatory regimes and the associated terminology. In future research, a more extensive qualitative review of French alternative dispute resolution terminology might develop strategies to better search for relevant quantitative literature.

References

(The use of an “*” indicates a study used in the meta-analysis, while an “†” indicates a study that arrived too late to consider for the study.)

* Alternative dispute resolution pilot project of the immigration appeal division- pilot project final report. 2002. In *Evaluation of the dispute resolution fund: Draft report*. Ottawa: Department of Justice.

* Anderson, H., and Pi, R. 2004. *Evaluation of the early mediation pilot programs*. California: Administrative Office of the Courts, Judicial Council of California.

Antweiler, Werner. (2005) Foreign currency units per 1 Canadian dollar, 1948-2005. Accessed March 1, 2007, from <http://fx.sauder.ubc.ca/etc/CADpages.pdf>.

* Brett, J., and Goldberg, S. 1983. Grievance mediation in the coal industry: A field placement. *Industrial and labor relations review* 37(1): 49-69.

* Delaney, M., and Wright, T. 1997. *Plaintiff's satisfaction with dispute resolution processes: Trial, arbitration, pre-trial conference and mediation*. Washington: Justice Research Center.

* Dywan, J. 2003. An evaluation of the effect of court-ordered mediation and proactive case management on the pace of civil tort litigation in Lake County, Indiana. *Journal on dispute resolution*, 2003.

* Eaglin, J. 1990. *The pre-argument conference program in the sixth circuit court of appeals: an evaluation*. Washington: Federal Judicial Center.

* *Evaluation of the alternative dispute resolution pilot project*. 2001. Nova Scotia: Human Resources and Development Canada.

* Fix, M., and Harter, P. 1992. *Hard cases, vulnerable people: An analysis of the mediation programs at the multi-door courthouse of the superior court of DC*. Washington: State Justice Institute.

* Genn, H. 1998. *Central London county pilot mediation scheme*. London: Department of Constitutional Affairs Research Series.

Glass, G., McGaw, B., and Smith, M. (1981). *Meta-analysis in social research*. Newbury Park, CA: Sage.

* Hann, R., Baar, C. Axon, L., Binnie, S., and Zemans, F. 2001. *Evaluation of the Ontario mandatory mediation program (Rule 24.1): Final report- the first 23 months*. Kingston: Ontario Ministry of the Attorney General.

* Hanson, R. 1997. *The use of mediation to resolve workers compensation cases: a report to the appellate district of the court of appeals of Ohio*. Ohio: National Center for State Courts.



Henriques, J. 1999. Mediator versus Moderator variables, University of Wisconsin-Madison, last updated 1 March 1999. Accessed on June 27, 2007 from <http://psych.wisc.edu/henriques/mediator.html>.

† Herman, M., LaFree, G., Rack, C., and West, M. The MetroCourt Project Final Report: A Study of the Effects of Ethnicity and Gender in Mediated and Adjudicated Small Claims Cases at the Metropolitan Court Mediation Center. University of New Mexico: The Metropolitan Court Mediation Center, 1993.

* Hogarth, J., and Boyle, K. 2002. *UBC Program on dispute resolution: Is mediation a cost-effective alternative in motor vehicle personal injury claims? Statistical analyses and observations*. Vancouver: Faculty of Law, University of British Columbia.

* Kakalik, J. 1996. *An evaluation of mediation and early neutral evaluation under the civil justice reform act*. California: RAND Institute for Civil Justice.

* Kobbervig, W. 1991. *Mediation of civil cases in Hennepin county: An evaluation*. Minnesota: Office of the State Court Administration, Minnesota Judicial Center.

Latimer, J., Dowden, C., and Muise, D. *The effectiveness of restorative justice practices: A meta-analysis*. Department of Justice Canada: Research and Statistics Division, 2001.

Latimer, J., Dowden, C., Morton-Bourgon, K., with Edgar, J., and Bania, M. *Treating youth in conflict with the law: A new meta-analysis*. Department of Justice Canada: Research and Statistics Division, 2003.

Latimer, J., Morton-Bourgon, K., and Chrétien, J. *A meta-analytic examination of drug treatment courts: Do they reduce recidivism?* Department of Justice Canada: Research and Statistics Division, 2006.

Lipsey, M., and Wilson, D. (1993). The efficacy of psychological, educational, and behavioral treatment: Confirmation from meta-analysis. *American Psychologist*, 48, 1181-1209.

* Macfarlane, J. 1995. *Court-based mediation for civil cases: an evaluation of the Ontario court (general division) ADR center*. Windsor: Faculty of Law, University of Windsor.

* McEwan, C. 1992. *An evaluation of the ADR pilot project: Final report*. Maine: Maine Superior Court.

* McEwan, C., and Maiman, R. 1981. Small claims mediation in Maine: An empirical assessment. *Maine Law Review* 33: 237-268.

Mediation and Conflict Resolution Office. 2007. Different Types of Mediation Styles. Accessed June 18, 2007 from http://www.peoples-law.org/core/mediation/adr_directory/mediation_approaches.htm.

* Roehl, J., Hersch, R., and Llaneras, E. 1992. *Civil case mediation and comprehensive justice centers: process, quality of justice, and value to state courts: Executive summary*. New Jersey: State Justice Institute.

Rosenthal, R. (1991). *Meta-analytic procedures for social research*. Newbury, CA: Sage.

† Schultz, Karl D. 1990. *Florida's Alternative Dispute Resolution Demonstration Project: An Empirical Assessment*. Tallahassee, Florida: Florida Dispute Resolution Center.

* Slack, L. 1996. *A comparative analysis on the benefits of mediation in the Cobb County superior court*. Georgia: Institute for Court Management, Cobb County Superior Court.

* Small claims mediation in three urban courts. 1992. In *Small claims and traffic courts: Case management procedures, case characteristics, and outcomes in 12 urban jurisdictions*. Williamsburg: National Center for State Courts.

* Sourdin, T., and Matruglio, T. 2002. *Evaluating mediation - New South Wales settlement scheme 2002*. Sydney: La Trobe University, University of Western Sydney.

Starr & Starr, PLLC. 2006. FAQ: Civil Litigation Questions: 5. What is motion practise? Accessed on June 18, 2007 from <http://www.starrandstarr.com/faqs.htm#46>.

* Stevens, C., Ellen, E., and McCormick, K. 1995. *Court-ordered civil case mediation in North Carolina: An evaluation of its effects*. North Carolina: Institute for Government, University of North Carolina at Chapel Hill.

* Stienstra, D., Johnson, M., and Lombard, P. 1997. The western district of Missouri's early assessment program. In *Report to the Judicial Conference Committee on Court Administration and Case management: A Study of the five demonstration programs established under the civil justice reform act of 1990*. Washington: Federal Judicial Center.

* Wissler, R. 1995. Mediation and adjudication in the small claims court: the effects of process and case characteristics. *Law and Society Review* 29(2): 323-358.

* Zweibel, E., Macfarlane, J., and Manwaring J. 2001. *Negotiating solutions to workplace conflict: An evaluation of the public service staff relations board pilot grievance mediation project: Final Report*. Ottawa: Public Service Staff Relations Board.



Appendix 1: Moderator Analysis: Time and Process Outcome Measures

Variable	Mean Time Saved, hr (k)	Mean Staff Hours Saved, hr (k)	Mean Case Length, months (k)	Mean Hearing Number (k)	Mean Number of Pre-Trial Conferences (k)	Mean number of Motions (k)
Total	(n.s.) 0.49 (8)	61.1 (13)	4.99 (27)	(n.s.) 0.21 (6)	(n.s.) 0.04 (11)	(n.s.) 0.67 (12)
Country						
Canada	(n.s.) 0.80 (3)	(n.s.) 94.1 (3)	12.07 (6)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
USA	(n.s.) 0.30 (5)	51.2 (10)	1.02 (18)	(n.s.) 0.21 (6)	(n.s.) 0.04 (11)	(n.s.) 0.67 (12)
UK	(n.s.) N/A	(n.s.) N/A	(n.s.) 3.13 (1)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Australia	(n.s.) N/A	(n.s.) N/A	(n.s.) 20.50 (2)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Publication Type						
Academic	(n.s.) - 0.06 (3)	(n.s.) 35.0 (1)	(n.s.) 10.32 (5)	(n.s.) N/A	(n.s.) N/A	(n.s.) - 0.81 (1)
Government	(n.s.) 0.82 (5)	67.6 (7)	4.57 (17)	(n.s.) 0.21 (6)	(n.s.) 0.04 (11)	(n.s.) 0.25 (7)
NGO	(n.s.) N/A	(n.s.) 57.2 (5)	(n.s.) 1.11 (5)	(n.s.) N/A	(n.s.) N/A	(n.s.) 1.77 (4)
Study Design						
Random assignment	(n.s.) - 0.06 (3)	34.2 (6)	(n.s.) 2.03 (13)	(n.s.) 0.55 (1)	(n.s.) 0.11 (5)	(n.s.) 0.15 (8)
Straight comparison	(n.s.) 2.40 (1)	(n.s.) 94.1 (3)	7.26 (7)	(n.s.) 0.41 (1)	(n.s.) N/A	(n.s.) N/A
Matched comparison	0.42 (4)	(n.s.) 68.0 (2)	(n.s.) 11.19 (5)	(n.s.) 0.07 (4)	(n.s.) 0.00 (4)	(n.s.) 3.40 (2)
Pre/Post design	(n.s.) N/A	(n.s.) 85.5 (2)	(n.s.) 0.86 (2)	(n.s.) N/A	(n.s.) - 0.4 (2)	(n.s.) - 0.01 (2)
Comparison Group *						
Adjudication	(n.s.) - 0.14 (2)	42.6 (8)	(n.s.) 2.53 (12)	(n.s.) 0.27 (2)	(n.s.) 0.11 (5)	(n.s.) 0.86 (9)
Dropouts	(n.s.) 0.43 (1)	(n.s.) 150.0 (1)	(n.s.) 5.55 (1)	(n.s.) 0.00 (1)	(n.s.) 0.00 (1)	(n.s.) N/A
Litigation, eligible for mediation	(n.s.) 0.88 (5)	(n.s.) 75.9 (4)	4.49 (10)	(n.s.) 0.08 (5)	(n.s.) - 0.01 (7)	(n.s.) 0.10 (3)
Litigation, not eligible for mediation	(n.s.) N/A	(n.s.) N/A	26.00 (2)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Voluntary mediation	(n.s.) N/A	(n.s.) N/A	(n.s.) 6.95 (2)	(n.s.) N/A	(n.s.) 0.00 (1)	(n.s.) N/A

Variable	Mean Time Saved, hr (k)	Mean Staff Hours Saved, hr (k)	Mean Case Length, months (k)	Mean Hearing Number (k)	Mean Number of Pre-Trial Conferences (k)	Mean number of Motions (k)
Arbitration	(n.s.) N/A	(n.s.) N/A	(n.s.) 6.81 (3)	(n.s.) N/A	(n.s.) 1.17 (1)	(n.s.) N/A
Negotiation	(n.s.) 0.00 (2)	(n.s.) N/A	(n.s.) 6.30 (3)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Mixed or aggregate	(n.s.) 0.43 (1)	(n.s.) N/A	(n.s.) 1.35 (1)	(n.s.) 1.00 (1)	(n.s.) 0.00 (2)	(n.s.) N/A
Selection of Mediation						
Voluntary	(n.s.) 0.17 (4)	97.8 (6)	(n.s.) 5.34 (11)	(n.s.) 0.15 (2)	(n.s.) - 0.02 (4)	(n.s.) 1.70 (4)
Party driven	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Ordered by court	(n.s.) 0.80 (4)	(n.s.) 21.5 (5)	2.10 (10)	(n.s.) 0.18 (3)	(n.s.) 0.32 (4)	(n.s.) 0.17 (6)
Mandatory	(n.s.) N/A	50.0 (2)	(n.s.) 9.19 (6)	(n.s.) 0.41 (1)	(n.s.) - 0.24 (3)	(n.s.) 0.10 (2)
Type of Claim						
Tort	(n.s.) 0.65 (6)	(n.s.) 2.4 (1)	11.50 (5)	(n.s.) 0.14 (4)	(n.s.) 0.00 (3)	(n.s.) 0.80 (1)
Contract	(n.s.) N/A	(n.s.) N/A	(n.s.) 0.90 (2)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Tort and contract	(n.s.) 0.01 (2)	66.0 (12)	3.94 (19)	(n.s.) 0.35 (2)	(n.s.) - 0.10 (7)	(n.s.) 0.66 (11)
Not noted or unclear	(n.s.) N/A	(n.s.) N/A	(n.s.) 0.75 (1)	(n.s.) N/A	(n.s.) 1.17 (1)	(n.s.) N/A
Area of Law						
Business or Commercial	(n.s.) - 0.19 (1)	(n.s.) 130.0 (1)	(n.s.) 3.3 (2)	(n.s.) 0.41 (1)	(n.s.) N/A	(n.s.) N/A
Employment	(n.s.) N/A	(n.s.) N/A	(n.s.) 0.83 (3)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Personal Injury	(n.s.) 0.00 (2)	(n.s.) N/A	(n.s.) 20.5 (2)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Small Claims	0.50 (3)	(n.s.) N/A	(n.s.) N/A	(n.s.) 0.00 (3)	(n.s.) 0.00 (3)	(n.s.) N/A
Other	(n.s.) 2.40 (1)	(n.s.) 2.4 (1)	(n.s.) 8.5 (1)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Mixed	(n.s.) 0.20 (1)	60.2 (11)	4.02 (19)	(n.s.) 0.42 (19)	(n.s.) 0.06 (8)	(n.s.) 0.67 (12)
Pilot						
Yes	(n.s.) 2.4 (1)	61.1 (13)	4.77 (23)	(n.s.) 0.55 (1)	(n.s.) 0.07 (7)	(n.s.) 0.70 (11)
No	(n.s.) 0.22 (7)	(n.s.) N/A	(n.s.) 6.27 (4)	(n.s.) 0.14 (5)	(n.s.) 0.00 (4)	(n.s.) 0.33 (1)
Referral Stage						
Pre-trial	(n.s.) 0.65 (6)	61.1 (13)	4.83 (24)	(n.s.) 0.21 (6)	(n.s.) 0.04 (11)	(n.s.) 0.70 (11)
Trial	(n.s.) 0.00 (2)	(n.s.) N/A	(n.s.) 6.29 (3)	(n.s.) N/A	(n.s.) N/A	(n.s.) 0.33 (1)



Variable	Mean Time Saved, hr (k)	Mean Staff Hours Saved, hr (k)	Mean Case Length, months (k)	Mean Hearing Number (k)	Mean Number of Pre-Trial Conferences (k)	Mean number of Motions (k)
Mediator compensation type						
Volunteer (noted)	0.50 (2)	(n.s.) 10.0 (2)	(n.s.) 0.93 (2)	(n.s.) 0.00 (2)	(n.s.) 0.00 (2)	(n.s.) 0.15 (2)
Paid (noted)	(n.s.) 0.50 (1)	68.1 (9)	(n.s.) 2.69 (15)	(n.s.) 0.27 (2)	(n.s.) - 0.10 (7)	(n.s.) 0.82 (9)
Paid (implied)	(n.s.) 0.48 (5)	(n.s.) 76.2 (2)	9.25 (10)	(n.s.) 0.35 (2)	(n.s.) 0.58 (2)	(n.s.) 0.33 (1)
Not noted / unknown	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Mediator legal training						
Yes (Lawyer or paralegal)	(n.s.) 0.20 (1)	47.3 (6)	(n.s.) 2.51 (14)	0.42 (3)	(n.s.) 0.34 (4)	(n.s.) 0.92 (8)
Yes (Lawyer or paralegal implied)	(n.s.) 0.54 (5)	60.1 (6)	8.50 (11)	(n.s.) 0.00 (1)	(n.s.) - 0.18 (5)	(n.s.) 0.16 (4)
No	0.50 (2)	(n.s.) N/A	(n.s.) 0.68 (1)	(n.s.) 0.00 (2)	(n.s.) 0.00 (2)	(n.s.) N/A
Not noted / unknown	(n.s.) N/A	(n.s.) 150.0 (1)	(n.s.) 5.55 (1)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Mediation technique						
Facilitative	(n.s.) 0.20 (1)	(n.s.) 39.0 (4)	(n.s.) 0.43 (7)	(n.s.) 0.30 (1)	(n.s.) 0.00 (2)	(n.s.) 1.77 (4)
Evaluative	(n.s.) 0.50 (1)	(n.s.) N/A	(n.s.) N/A	(n.s.) 0.00 (1)	(n.s.) 0.00 (1)	(n.s.) N/A
Mixed	(n.s.) 0.25 (4)	(n.s.) 130.0 (1)	9.51 (9)	(n.s.) 0.24 (4)	(n.s.) 0.39 (3)	(n.s.) 0.56 (2)
Not noted	(n.s.) 1.10 (2)	63.6 (8)	(n.s.) 4.20 (11)	(n.s.) N/A	(n.s.) - 0.14 (5)	(n.s.) - 0.04 (6)
Freedom to select mediator						
Full	(n.s.) N/A	67.8 (6)	(n.s.) 0.22 (7)	(n.s.) 0.41 (1)	(n.s.) - 0.20 (4)	(n.s.) 1.16 (6)
Some	(n.s.) N/A	(n.s.) 100.0 (2)	(n.s.) 14.47 (4)	(n.s.) N/A	(n.s.) 0.11 (1)	(n.s.) 0.41 (1)
None	(n.s.) 0.49 (8)	(n.s.) 14.4 (4)	4.75 (13)	(n.s.) 0.07 (4)	(n.s.) 0.19 (6)	(n.s.) - 0.04 (4)
Not noted or unclear	(n.s.) N/A	(n.s.) 130.0 (1)	(n.s.) 4.57 (3)	(n.s.) 0.55 (1)	(n.s.) N/A	(n.s.) 0.80 (1)
Mediator payment stage						
Before	(n.s.) N/A	(n.s.) N/A	(n.s.) 13.00 (2)	(n.s.) 0.55 (1)	(n.s.) N/A	(n.s.) 0.80 (1)
During	(n.s.) N/A	(n.s.) N/A	26.00 (2)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
After	(n.s.) 0.00 (2)	(n.s.) 130.0 (1)	(n.s.) 3.3 (2)	(n.s.) 0.41 (1)	(n.s.) N/A	(n.s.) N/A
Not noted or unclear	(n.s.) 0.65 (6)	55.4 (12)	2.39 (21)	(n.s.) 0.07 (4)	(n.s.) 0.04 (11)	(n.s.) 0.66 (11)

Variable	Mean Time Saved, hr (k)	Mean Staff Hours Saved, hr (k)	Mean Case Length, months (k)	Mean Hearing Number (k)	Mean Number of Pre-Trial Conferences (k)	Mean number of Motions (k)
Who pays mediator						
Litigant(s)	(n.s.) 0.00 (2)	78.8 (5)	8.09 (11)	(n.s.) 0.48 (2)	(n.s.) 0.19 (1)	(n.s.) 1.35 (5)
Government, Program or Court	(n.s.) 1.45 (2)	55.1 (7)	(n.s.) 1.55 (12)	(n.s.) 0.00 (1)	(n.s.) 0.04 (7)	(n.s.) 0.16 (6)
Mixed	(n.s.) 0.00 (2)	(n.s.) N/A	(n.s.) 3.04 (1)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Not noted	(n.s.) 0.25 (4)	(n.s.) 15.0 (1)	(n.s.) 8.11 (3)	(n.s.) 0.1 (3)	(n.s.) 0.00 (3)	(n.s.) 0.30 (1)
Mediation defendant type						
Individual	(n.s.) - 0.19 (01)	64.2 (5)	(n.s.) 5.07 (9)	(n.s.) 0.41 (1)	(n.s.) 0.08 (6)	(n.s.) 0.12 (5)
Business, Organization or NGO	(n.s.) 0.07 (3)	53.5 (6)	(n.s.) 1.33 (9)	(n.s.) 0.30 (1)	(n.s.) 0.00 (1)	(n.s.) 1.26 (5)
Government	(n.s.) 2.40 (1)	(n.s.) 76.3 (6)	(n.s.) 4.91 (3)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Not noted / Other	(n.s.) 2.40 (1)	(n.s.) N/A	(n.s.) 10.42 (6)	(n.s.) 0.14 (4)	(n.s.) 0.00 (4)	(n.s.) 0.56 (2)
Mediation plaintiff type						
Individual	(n.s.) 0.48 (5)	55.4 (12)	(n.s.) 2.62 (18)	(n.s.) 0.35 (2)	(n.s.) - 0.10 (7)	(n.s.) 0.69 (10)
Business, Organization or NGO	0.50 (3)	(n.s.) N/A	(n.s.) 3.13 (1)	(n.s.) 0.00 (3)	(n.s.) 0.00 (3)	(n.s.) N/A
Not noted / Other	(n.s.) N/A	(n.s.) 130.0 (1)	10.58 (8)	(n.s.) 0.55 (1)	(n.s.) 1.17 (1)	(n.s.) 0.56 (2)
Comparison defendant type *						
Individual	(n.s.) - 0.19 (1)	64.2 (5)	6.70 (12)	(n.s.) 0.41 (1)	(n.s.) 0.23 (7)	(n.s.) 0.12 (5)
Business, Organization or NGO	(n.s.) 0.15 (5)	53.5 (6)	(n.s.) 1.33 (9)	(n.s.) 0.33 (3)	(n.s.) 0.00 (3)	(n.s.) 1.26 (5)
Government	(n.s.) 2.4 (1)	(n.s.) 76.2 (2)	(n.s.) 4.91 (3)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Not noted / Other	0.50 (4)	(n.s.) N/A	8.03 (10)	(n.s.) 0.11 (5)	(n.s.) 0.00 (7)	(n.s.) 0.56 (2)
Comparison plaintiff type*						
Individual	(n.s.) 0.42 (7)	55.4 (12)	(n.s.) 2.49 (20)	(n.s.) 0.35 (4)	(n.s.) - 0.06 (11)	(n.s.) 0.69 (10)
Business, Organization or NGO	0.50 (4)	(n.s.) N/A	(n.s.) 3.13 (1)	(n.s.) 0.00 (4)	(n.s.) 0.00 (4)	(n.s.) N/A
Not noted / Other	(n.s.) N/A	(n.s.) 130.0 (1)	10.35 (13)	(n.s.) 0.55 (1)	1.17 (2)	(n.s.) 0.56 (2)
* For this variable, summarized comparison group responses were disaggregated.						



Variable	Mean Perception of Time Savings ESE (k)
Total	+ .31 (6)
Country	
Canada	(n.s.) + .33 (2)
USA	+ .30 (4)
Publication Type	
Government	(n.s.) + .33 (2)
NGO	+ .30 (4)
Study Design	
Random assignment	+ .19 (3)
Straight comparison	(n.s.) + .48 (1)
Matched comparison	(n.s.) + .40 (2)
Comparison Group *	
Adjudication	+ .28 (5)
Dropouts	(n.s.) + .48 (1)
Selection of Mediation	
Voluntary	+ .37 (4)
Ordered by court	(n.s.) + .20 (2)
Type of Claim	
Tort	(n.s.) + .31 (6)
Area of Law	
Employment	(n.s.) + .18 (1)
Mixed	+ .34 (5)
Pilot	
Yes	+ .31 (6)
Referral Stage	
Pre-trial	+ .34 (5)

Variable	Mean Perception of Time Savings ESE (k)
Trial	(n.s.) + .18 (1)
Mediator compensation type	
Volunteer (noted)	(n.s.) + .20 (2)
Paid (noted)	(n.s.) + .40 (2)
Paid (implied)	(n.s.) + .33 (2)
Mediator legal training	
Yes (Lawyer or paralegal)	+ .30 (4)
No	(n.s.) + .18 (1)
Not noted / unknown	(n.s.) + .48 (1)
Mediation technique	
Facilitative	+ .30 (4)
Not noted	(n.s.) + .33 (2)
Freedom to select mediator	
Full	(n.s.) + .40 (2)
Some	(n.s.) + .48 (1)
None	+ .19 (3)
Mediator payment stage	
Not noted or unclear	+ .31 (6)
Who pays mediator	
Litigant(s)	(n.s.) + .40 (2)
Government, Program or Court	(n.s.) + .27 (3)
Not noted	(n.s.) + .24 (1)
Mediation case selection	
Complexity	(n.s.) + .32 (1)
Simplicity	(n.s.) + .48 (1)
Other	+ .26 (4)
Comparison case selection	
Complexity	(n.s.) + .49 (1)
Simplicity	(n.s.) + .32 (1)



Variable	Mean Perception of Time Savings ESE (k)
Other	(n.s.) + .29 (3)
Not noted	(n.s.) + .18 (1)
Mediation defendant type	
Business, Organization or NGO	+ .30 (4)
Government	(n.s.) + .33 (2)
Mediation plaintiff type	
Individual	+ .31 (6)
Comparison defendant type *	
Business, Organization or NGO	+ .30 (4)
Government	(n.s.) + .33 (2)
Comparison plaintiff type*	
Individual	+ .31 (6)

Appendix 2: Moderator Analysis: Fairness and Satisfaction Outcome Measures

Variable	Mean Settlement Rate ESE (k)	Mean Perception of Fairness ESD (k)	Mean Satisfaction with the Outcome ESE (k)	Mean Satisfaction with the Process ESE (k)	Mean Long-term Satisfaction ESE (k)	Mean Perception of Compliance ESE (k)
Total	+ .11 (20)	+ .14 (10)	+ .10 (15)	+ .13 (11)	+ .15 (1)	+ .16 (5)
Country						
Canada	+ .18 (6)	(n.s.) + .15 (2)	(n.s.) - .01 (1)	(n.s.) - .03 (1)	(n.s.) N/A	(n.s.) + .12 (1)
USA	+ .08 (13)	(n.s.) + .11 (6)	+ .09 (12)	+ .12 (9)	(n.s.) N/A	+ .17 (4)
UK	(n.s.) + .08 (1)	(n.s.) + .22 (2)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Australia	(n.s.) N/A	(n.s.) N/A	(n.s.) + .22 (2)	(n.s.) + .36 (1)	(n.s.) N/A	(n.s.) N/A
Publication Type						
Academic	(n.s.) + .14 (5)	(n.s.) + .20 (3)	+ .19 (4)	+ .24 (4)	(n.s.) N/A	(n.s.) + .18 (2)
Government	+ .14 (10)	(n.s.) + .12 (6)	(n.s.) + .11 (6)	(n.s.) + .09 (6)	(n.s.) N/A	+ .15 (3)
NGO	(n.s.) + .01 (5)	(n.s.) + .06 (1)	(n.s.) + .01 (5)	(n.s.) - .03 (1)	(n.s.) N/A	(n.s.) N/A
Study Design						
Random assignment	+ .12 (10)	(n.s.) + .22 (3)	(n.s.) + .08 (5)	(n.s.) + .18 (3)	(n.s.) N/A	(n.s.) + .27 (1)
Straight comparison	(n.s.) + .16 (4)	(n.s.) + .10 (2)	(n.s.) + .06 (2)	(n.s.) + .13 (2)	(n.s.) N/A	(n.s.) + .12 (1)
Matched comparison	(n.s.) + .06 (6)	(n.s.) + .11 (5)	+ .12 (8)	(n.s.) + .11 (6)	(n.s.) N/A	(n.s.) + .14 (3)
Pre/Post design	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Comparison Group *						
Adjudication	(n.s.) + .06 (9)	+ .15 (5)	+ .08 (9)	(n.s.) + .14 (4)	(n.s.) N/A	+ .21 (3)
Dropouts	(n.s.) N/A	(n.s.) + .17 (2)	(n.s.) + .23 (2)	(n.s.) + .18 (2)	(n.s.) N/A	(n.s.) + .13 (3)
Litigation, eligible for mediation	(n.s.) + .02 (8)	(n.s.) + .14 (6)	+ .15 (7)	(n.s.) + .11 (7)	(n.s.) N/A	(n.s.) + .11 (1)
Litigation, not eligible for mediation	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Voluntary mediation	(n.s.) - .08 (1)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A



Variable	Mean Settlement Rate ESE (k)	Mean Perception of Fairness ESD (k)	Mean Satisfaction with the Outcome ESE (k)	Mean Satisfaction with the Process ESE (k)	Mean Long-term Satisfaction ESE (k)	Mean Perception of Compliance ESE (k)
Arbitration	(n.s.) + .02 (2)	(n.s.) + .25 (2)	(n.s.) + .12 (2)	(n.s.) + .29 (3)	(n.s.) N/A	(n.s.) N/A
Negotiation	(n.s.) + .19 (4)	(n.s.) + .19 (1)	(n.s.) + .38 (1)	(n.s.) + .36 (1)	(n.s.) N/A	(n.s.) N/A
Mixed or aggregate	(n.s.) N/A	(n.s.) + .19 (1)	(n.s.) + .18 (1)	(n.s.) + .20 (1)	(n.s.) N/A	(n.s.) + .19 (1)
Selection of Mediation						
Voluntary	+ .14 (10)	+ .14 (7)	+ .12 (8)	(n.s.) + .15 (6)	(n.s.) N/A	(n.s.) + .14 (3)
Party driven	(n.s.) + .05 (1)	(n.s.) N/A	(n.s.) + .00 (1)	(n.s.) + .05 (1)	(n.s.) N/A	(n.s.) + .11 (1)
Ordered by court	+ .08 (9)	(n.s.) + .14 (3)	(n.s.) + .09 (6)	(n.s.) + .13 (3)	(n.s.) N/A	(n.s.) + .27 (1)
Mandatory	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Type of Claim						
Tort	(n.s.) + .16 (6)	(n.s.) + .13 (6)	+ .19 (6)	(n.s.) + .14 (5)	(n.s.) N/A	(n.s.) + .09 (1)
Contract	(n.s.) + .26 (2)	(n.s.) N/A	(n.s.) N/A	(n.s.) + .29 (1)	(n.s.) N/A	(n.s.) N/A
Tort and contract	+ .06 (11)	(n.s.) + .17 (3)	(n.s.) + .04 (8)	(n.s.) + .10 (4)	(n.s.) N/A	+ .18 (4)
Not noted or unclear	(n.s.) + .04 (1)	(n.s.) + .10 (1)	(n.s.) + .02 (1)	(n.s.) + .05 (1)	(n.s.) N/A	(n.s.) N/A
Area of Law						
Business or Commercial	(n.s.) + .03 (1)	(n.s.) + .06 (1)	(n.s.) + .03 (2)	(n.s.) + .05 (2)	(n.s.) N/A	(n.s.) + .27 (1)
Employment	+ .22 (4)	(n.s.) + .23 (1)	(n.s.) N/A	(n.s.) + .29 (1)	(n.s.) N/A	(n.s.) N/A
Personal Injury	(n.s.) + .24 (2)	(n.s.) + .22 (2)	(n.s.) + .22 (2)	(n.s.) + .36 (1)	(n.s.) N/A	(n.s.) N/A
Small Claims	(n.s.) N/A	(n.s.) + .09 (4)	+ .18 (4)	(n.s.) + .09 (4)	(n.s.) N/A	(n.s.) + .09 (1)
Other	(n.s.) + .22 (1)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Mixed	(n.s.) + .05 (12)	(n.s.) + .15 (2)	(n.s.) + .04 (7)	(n.s.) + .11 (3)	(n.s.) N/A	+ .15 (3)
Pilot						
Yes	+ .09 (15)	+ .13 (4)	(n.s.) + .03 (8)	(n.s.) + .09 (4)	(n.s.) N/A	+ .11 (2)
No	(n.s.) + .15 (5)	(n.s.) + .14 (6)	+ .19 (7)	(n.s.) + .15 (7)	(n.s.) N/A	(n.s.) + .19 (3)
Referral Stage						
Pre-trial	+ .09 (16)	(n.s.) + .11 (8)	+ .09 (14)	+ .11 (10)	(n.s.) N/A	+ .16 (5)
Trial	(n.s.) + .17 (4)	(n.s.) + .28 (2)	(n.s.) + .32 (1)	(n.s.) + .36 (1)	(n.s.) N/A	(n.s.) N/A

Variable	Mean Settlement Rate ESE (k)	Mean Perception of Fairness ESD (k)	Mean Satisfaction with the Outcome ESE (k)	Mean Satisfaction with the Process ESE (k)	Mean Long-term Satisfaction ESE (k)	Mean Perception of Compliance ESE (k)
Mediator compensation type						
Volunteer (noted)	(n.s.) + .28 (1)	(n.s.) + .01 (3)	(n.s.) + .08 (6)	(n.s.) + .03 (4)	(n.s.) N/A	(n.s.) + .10 (3)
Paid (noted)	(n.s.) + .07 (3)	(n.s.) + .17 (3)	(n.s.) + .09 (5)	(n.s.) + .19 (3)	(n.s.) N/A	(n.s.) N/A
Paid (implied)	(n.s.) + .07 (8)	+ .22 (4)	(n.s.) + .15 (4)	(n.s.) + .19 (4)	(n.s.) N/A	+ .20 (3)
Not noted / unknown	+ .14 (8)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Mediator legal training						
Yes (Lawyer or paralegal)	+ .07 (11)	+ .15 (4)	(n.s.) + .08 (8)	(n.s.) + .15 (3)	(n.s.) N/A	(n.s.) + .15 (2)
Yes (Lawyer or paralegal implied)	(n.s.) + .14 (7)	(n.s.) + .08 (3)	(n.s.) + .08 (5)	(n.s.) + .11 (6)	(n.s.) N/A	(n.s.) + .19 (2)
No	(n.s.) + .10 (1)	(n.s.) + .19 (3)	(n.s.) + .22 (2)	(n.s.) + .16 (2)	(n.s.) N/A	(n.s.) N/A
Not noted / unknown	(n.s.) + .28 (1)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) + .11 (1)
Mediation technique						
Facilitative	(n.s.) + .08 (8)	(n.s.) + .21 (1)	(n.s.) + .05 (6)	(n.s.) + .14 (2)	(n.s.) N/A	(n.s.) + .16 (2)
Evaluative	(n.s.) N/A	(n.s.) - .13 (1)	(n.s.) + .02 (1)	(n.s.) - .13 (1)	(n.s.) N/A	(n.s.) N/A
Mixed	(n.s.) + .09 (7)	+ .16 (6)	+ .17 (6)	(n.s.) + .14 (6)	(n.s.) N/A	(n.s.) + .09 (1)
Not noted	+ .18 (5)	(n.s.) + .18 (2)	(n.s.) + .11 (2)	(n.s.) + .21 (2)	(n.s.) N/A	(n.s.) + .20 (2)
Freedom to select mediator						
Full	* - .06 (2)	(n.s.) N/A	(n.s.) + .04 (2)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Some	(n.s.) N/A	(n.s.) N/A		(n.s.) N/A	(n.s.) N/A	(n.s.) + .11 (1)
None	+ .15 (13)	(n.s.) + .15 (6)	+ .13 (11)	(n.s.) + .16 (9)	(n.s.) N/A	(n.s.) + .19 (3)
Not noted or unclear	(n.s.) + .07 (5)	(n.s.) + .06 (1)	(n.s.) - .00 (2)	(n.s.) + .01 (2)	(n.s.) N/A	(n.s.) + .11 (1)
Mediator payment stage						
Before	(n.s.) + .07 (1)	(n.s.) + .13 (1)	(n.s.) + .13 (1)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
During	(n.s.) N/A	(n.s.) + .06 (1)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
After	(n.s.) + .17 (3)	(n.s.) + .15 (8)	(n.s.) - .01 (1)	(n.s.) - .03 (1)	(n.s.) N/A	(n.s.) N/A
Not noted or unclear	+ .10 (16)		+ .11 (13)	+ .15 (10)	(n.s.) N/A	+ .16 (5)
Who pays mediator						



Variable	Mean Settlement Rate ESE (k)	Mean Perception of Fairness ESD (k)	Mean Satisfaction with the Outcome ESE (k)	Mean Satisfaction with the Process ESE (k)	Mean Long-term Satisfaction ESE (k)	Mean Perception of Compliance ESE (k)
Litigant(s)	(n.s.) + .01 (6)	(n.s.) + .10 (2)	(n.s.) + .05 (1)	(n.s.) - .03 (1)	(n.s.) N/A	(n.s.) N/A
Government, Program or Court	+ .12 (6)	(n.s.) + .21 (3)	(n.s.) + .11 (3)	(n.s.) + .18 (2)	(n.s.) N/A	(n.s.) + .12 (1)
Mixed	(n.s.) + .26 (3)	(n.s.) N/A	(n.s.) N/A	(n.s.) + .29 (1)	(n.s.) N/A	(n.s.) N/A
Not noted	(n.s.) + .12 (5)	(n.s.) + .11 (5)	+ .12 (8)	(n.s.) + .12 (7)	(n.s.) N/A	+ .17 (4)
Mediation case selection						
Complexity	(n.s.) - .01 (2)	(n.s.) + .32 (1)	(n.s.) + .20 (2)	(n.s.) + .36 (1)	(n.s.) N/A	(n.s.) N/A
Simplicity	(n.s.) + .07 (3)	(n.s.) + .15 (1)	(n.s.) + .08 (3)	(n.s.) + .11 (2)	(n.s.) N/A	(n.s.) + .10 (2)
Other	+ .10 (7)	(n.s.) + .13 (2)	(n.s.) + .06 (3)	(n.s.) + .02 (1)	(n.s.) N/A	(n.s.) + .12 (1)
Not noted	+ .16 (8)	(n.s.) + .11 (6)	+ .10 (7)	(n.s.) + .12 (7)	(n.s.) N/A	(n.s.) + .24 (2)
Comparison case selection						
Complexity	(n.s.) - .01 (2)	+ .35 (3)	(n.s.) + .25 (4)	+ .41 (3)	(n.s.) N/A	(n.s.) N/A
Simplicity	(n.s.) - .00 (2)	+ .16 (2)	(n.s.) + .15 (4)	(n.s.) + .13 (3)	(n.s.) N/A	(n.s.) + .10 (3)
Other	+ .10 (6)	(n.s.) - .13 (1)	(n.s.) + .00 (3)	(n.s.) - .13 (1)	(n.s.) N/A	(n.s.) + .12 (1)
Not noted	(n.s.) + .08 (14)	+ .15 (11)	+ .14 (11)	+ .15 (11)	(n.s.) N/A	+ .23 (4)
Mediation defendant type						
Individual	+ .05 (2)	+ .17 (4)	+ .13 (6)	(n.s.) + .15 (5)	(n.s.) N/A	(n.s.) + .16 (3)
Business, Organization or NGO	+ .13 (13)	(n.s.) + .13 (2)	(n.s.) + .04 (6)	(n.s.) + .17 (3)	(n.s.) N/A	(n.s.) + .21 (1)
Government	(n.s.) + .16 (2)	(n.s.) + .23 (1)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) + .12 (1)
Not noted / Other	(n.s.) + .04 (3)	(n.s.) + .07 (3)	(n.s.) + .15 (3)	(n.s.) + .07 (3)	(n.s.) N/A	(n.s.) N/A
Mediation plaintiff type						
Individual	+ .14 (14)	+ .18 (4)	+ .08 (9)	+ .17 (5)	(n.s.) N/A	+ .16 (5)
Business, Organization or NGO	(n.s.) + .08 (1)	(n.s.) + .07 (3)	(n.s.) + .15 (3)	(n.s.) + .07 (3)	(n.s.) N/A	(n.s.) N/A
Not noted / Other	(n.s.) + .04 (5)	(n.s.) + .16 (3)	(n.s.) + .11 (3)	(n.s.) + .13 (3)	(n.s.) N/A	(n.s.) N/A
Comparison defendant type *						
Individual	+ .05 (3)	+ .20 (8)	+ .17 (10)	+ .21 (9)	(n.s.) N/A	(n.s.) + .14 (4)
Business, Organization or NGO	+ .13 (13)	+ .16 (4)	(n.s.) + .08 (8)	+ .19 (5)	(n.s.) N/A	+ .21 (3)

Variable	Mean Settlement Rate ESE (k)	Mean Perception of Fairness ESD (k)	Mean Satisfaction with the Outcome ESE (k)	Mean Satisfaction with the Process ESE (k)	Mean Long-term Satisfaction ESE (k)	Mean Perception of Compliance ESE (k)
Government	(n.s.) + .16 (2)	(n.s.) + .23 (1)	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A	(n.s.) + .12 (1)
Not noted / Other	(n.s.) - .07 (6)	(n.s.) + .09 (4)	+ .17 (4)	(n.s.) + .09 (4)	(n.s.) N/A	(n.s.) N/A
Comparison plaintiff type*						
Individual	+ .14 (14)	+ .18 (7)	+ .11 (12)	+ .19 (8)	(n.s.) N/A	+ .16 (8)
Business, Organization or NGO	(n.s.) - .13 (2)	(n.s.) + .09 (4)	+ .17 (4)	(n.s.) + .09 (4)	(n.s.) N/A	(n.s.) N/A
Not noted / Other	(n.s.) + .06 (8)	+ .20 (6)	(n.s.) + .17 (6)	(n.s.) + .22 (6)	(n.s.) N/A	(n.s.) N/A
* For this variable, summarized comparison group responses were disaggregated.						



Appendix 3: Moderator Analysis: Cost outcome measures

Variable	Mean Costs Saved, C\$ (k)	Mean Perception of Reasonable Cost ESE (k)	Mean Perception of Cost Savings ESE (k)
Total	\$ 16,220 (20)	(n.s.) + .03 (5)	+ 0.29 (6)
Country			
Canada	(n.s.) \$ 4,072 (5)	(n.s.) - .03 (4)	(n.s.) + .20 (1)
USA	\$ 22,991 (12)	(n.s.) + .24 (1)	+ .32 (4)
UK	(n.s.) \$ 999 (1)	(n.s.) N/A	(n.s.) + .24 (1)
Australia	(n.s.) \$ 13,577 (2)	(n.s.) N/A	(n.s.) N/A
Publication Type			
Academic	(n.s.) \$ 5,202 (6)	(n.s.) + .24 (1)	(n.s.) + .24 (1)
Government	\$ 15,705 (10)	(n.s.) N/A	(n.s.) N/A
NGO	(n.s.) \$ 34,035 (4)	(n.s.) - .03 (4)	+ .30 (5)
Study Design			
Random assignment	\$ 15,064 (10)	(n.s.) - .04 (2)	(n.s.) + .27 (2)
Straight comparison	(n.s.) \$ 7,846 (4)	(n.s.) + .24 (1)	+ .22 (2)
Matched comparison	(n.s.) \$ 25,056 (4)	(n.s.) - .02 (2)	(n.s.) + .37 (2)
Pre/Post design	(n.s.) \$ 21,081 (2)	(n.s.) N/A	(n.s.) N/A
Comparison Group *			
Adjudication	\$ 21,685 (9)	(n.s.) + .03 (5)	+ .30 (5)
Dropouts	(n.s.) \$ 22,860 (1)	(n.s.) N/A	(n.s.) N/A
Litigation, eligible for mediation	\$ 36,499 (4)	(n.s.) N/A	(n.s.) + .20 (1)
Litigation, not eligible for mediation	\$ 7,500 (2)	(n.s.) N/A	(n.s.) N/A
Voluntary mediation	(n.s.) \$ 44,317 (1)	(n.s.) N/A	(n.s.) N/A
Arbitration	(n.s.) \$ 1,880 (2)	(n.s.) N/A	(n.s.) N/A

Variable	Mean Costs Saved, C\$ (k)	Mean Perception of Reasonable Cost ESE (k)	Mean Perception of Cost Savings ESE (k)
Negotiation	(n.s.) - \$ 4,335 (4)	(n.s.) N/A	(n.s.) N/A
Mixed or aggregate	(n.s.) \$ 4,4317 (1)	(n.s.) N/A	(n.s.) N/A
Selection of Mediation			
Voluntary	(n.s.) \$ 14,708 (11)	(n.s.) + .06 (3)	+ .29 (4)
Party driven	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Ordered by court	\$ 20,187 (4)	(n.s.) - .03 (2)	(n.s.) + .27 (2)
Mandatory	(n.s.) \$16, 374 (5)	(n.s.) N/A	(n.s.) N/A
Type of Claim			
Tort	(n.s.) \$ 2, 414 (4)	(n.s.) + .24 (1)	(n.s.) + .24 (1)
Contract	(n.s.) \$ 886 (1)	(n.s.) N/A	(n.s.) N/A
Tort and contract	\$ 20,924 (15)	(n.s.) - .03 (4)	+ .30 (5)
Not noted or unclear	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Area of Law			
Business or Commercial	(n.s.) N/A	(n.s.) N/A	(n.s.) + .20 (1)
Employment	(n.s.) \$ 886 (1)	(n.s.) N/A	(n.s.) N/A
Personal Injury	(n.s.) \$ 4,414 (4)	(n.s.) + .24 (1)	(n.s.) + .32 (4)
Small Claims	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Other	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Mixed	\$ 20,924 (15)	(n.s.) - .03 (2)	+ .24 (1)
Pilot			
Yes	\$18,905 (17)	(n.s.) + .03 (5)	+ .29 (6)
No	(n.s.) \$ 1,006 (3)	(n.s.) N/A	(n.s.) N/A
Referral Stage			
Pre-trial	\$ 18,905 (17)	(n.s.) + .03 (5)	+ .29 (6)
Trial	(n.s.) \$ 1,006 (3)	(n.s.) N/A	(n.s.) N/A



Variable	Mean Costs Saved, C\$ (k)	Mean Perception of Reasonable Cost ESE (k)	Mean Perception of Cost Savings ESE (k)
Mediator compensation type			
Volunteer (noted)	\$ 25,458 (2)	(n.s.) - .03 (2)	(n.s.) + .27 (2)
Paid (noted)	\$ 19,385 (12)	(n.s.) + .06 (3)	+ .29 (5)
Paid (implied)	(n.s.) \$ 6,813 (6)	(n.s.) N/A	(n.s.) N/A
Not noted / unknown	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Mediator legal training			
Yes (Lawyer or paralegal)	\$ 26,082 (9)	(n.s.) + .03 (5)	+ .30 (5)
Yes (Lawyer or paralegal implied)	(n.s.) \$ 6,681 (10)	(n.s.) N/A	(n.s.) + .20 (1)
No	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Not noted / unknown	(n.s.) \$ 22,860 (1)	(n.s.) N/A	(n.s.) N/A
Mediation technique			
Facilitative	\$ 30,243 (6)	(n.s.) - .03 (4)	+ .32 (4)
Evaluative	(n.s.) N/A	(n.s.) N/A	(n.s.) N/A
Mixed	(n.s.) \$ 3,603 (5)	(n.s.) N/A	(n.s.) + .20 (1)
Not noted	\$ 13,881 (9)	(n.s.) + .24 (1)	(n.s.) + .24 (1)
Freedom to select mediator			
Full	\$ 24,990 (6)	(n.s.) - .02 (2)	(n.s.) + .37 (2)
Some	(n.s.) \$ 11,755 (4)	(n.s.) N/A	(n.s.) N/A
None	\$ 12,745 (10)	(n.s.) + .06 (3)	+ .26 (3)
Not noted or unclear	(n.s.) N/A	(n.s.) N/A	(n.s.) + .20 (1)
Mediator payment stage			
Before	(n.s.) \$ 6,638 (1)	(n.s.) + .24 (1)	(n.s.) + .24 (1)
During	\$ 7,500 (2)	(n.s.) N/A	(n.s.) N/A
After	(n.s.) - \$ 8,750 (2)	(n.s.) N/A	(n.s.) + .20 (1)
Not noted or unclear	\$ 21,351 (15)	(n.s.) - .03 (4)	+ .32 (4)
Who pays mediator			

Variable	Mean Costs Saved, C\$ (k)	Mean Perception of Reasonable Cost ESE (k)	Mean Perception of Cost Savings ESE (k)
Litigant(s)	\$19,313 (8)	(n.s.) + .06 (3)	+ .29 (4)
Government, Program or Court	\$ 19,989 (7)	(n.s.) + .01 (1)	(n.s.) + .25 (1)
Mixed	(n.s.) - \$ 5, 538 (3)	(n.s.) N/A	(n.s.) N/A
Not noted	(n.s.) \$ 23,296 (2)	(n.s.) - . 07 (1)	(n.s.) + .26 (1)
Mediation case selection			
Complexity	(n.s.) \$ 12,070 (3)	(n.s.) + .01 (1)	(n.s.) + .24 (1)
Simplicity	(n.s.) \$ 69,032 (1)	(n.s.) - .05 (1)	(n.s.) + .50 (1)
Other	(n.s.) \$ 18,694 (4)	(n.s.) - .03 (2)	(n.s.) + .27 (2)
Not Noted	\$ 12,032 (12)	(n.s.) + .24 (1)	+ .22 (2)
Comparison case selection *			
Complexity	(n.s.) \$ 26,017 (5)	(n.s.) - .05 (1)	(n.s.) + .50 (1)
Simplicity	(n.s.) \$16,194 (1)	(n.s.) + .01 (1)	(n.s.) + .24 (1)
Other	(n.s.) \$18,694 (4)	(n.s.) - .03 (2)	(n.s.) + .27 (2)
Not Noted	\$ 16,644 (14)	(n.s.) + .24 (1)	+ .22 (2)
Mediation defendant type			
Individual	\$ 14,432 (7)	(n.s.) + .24 (1)	(n.s.) + .24 (1)
Business, Organization or NGO	(n.s.) \$ 15,689 (9)	(n.s.) - .03 (2)	+ .30 (5)
Government	(n.s.) \$ 22,860 (1)	(n.s.) N/A	(n.s.) N/A
Not noted / Other	(n.s.) \$ 19,773 (3)	(n.s.) N/A	(n.s.) N/A
Mediation plaintiff type			
Individual	\$ 17,993 (16)	(n.s.) + .03 (1)	+ .30 (5)
Business, Organization or NGO	(n.s.) \$1,000 (1)	(n.s.) N/A	(n.s.) N/A
Not noted / Other	(n.s.) \$ 11,839 (3)	(n.s.) N/A	(n.s.) + .20 (1)
Comparison defendant type *			
Individual	\$ 15,784 (9)	(n.s.) + .24 (1)	(n.s.) + .23 (1)



Variable	Mean Costs Saved, C\$ (k)	Mean Perception of Reasonable Cost ESE (k)	Mean Perception of Cost Savings ESE (k)
Business, Organization or NGO	(n.s.) \$ 15,689 (9)	(n.s.) - .03 (4)	+ .30 (5)
Government	(n.s.) \$ 22,860 (1)	(n.s.) N/A	(n.s.) N/A
Not noted / Other	\$ 29,590 (5)	(n.s.) N/A	(n.s.) N/A
Comparison plaintiff type*			
Individual	\$ 20,918 (18)	(n.s.) + .03 (5)	+ .30 (5)
Business, Organization or NGO	(n.s.) \$ 1,000 (1)	(n.s.) N/A	(n.s.) N/A
Not noted / Other	(n.s.) \$ 15,310 (5)	(n.s.) N/A	(n.s.) + .20 (1)