

FINAL REPORT
March 15, 1999

**An Evaluation of the Effectiveness
of the Court Mediation Practicum Project
as a Training Program**

for
the British Columbia Dispute Resolution Practicum Society

Funded by



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Executive Summary

Background of the Court Mediation Practicum Project

The Court Mediation Practicum Project (CMPP) formally began operations in May 1998. A pilot project of the BC Dispute Resolution Practicum Society in partnership with several other groups, the CMPP has the following objectives:

- to allow trained but inexperienced mediators to develop their skills by giving them the opportunity to mediate ten claims filed in Small Claims Court under the supervision of a mentor who has considerable mediation experience;
- to enlarge the pool of qualified mediators in the province;
- to assess the success of both voluntary and mandatory mediation referrals in Small Claims Court;
- to assess the potential for mediation of civil cases to relieve pressure on the provincial court bench; and
- to provide a free service to parties in small claims disputes to use mediation as an alternative to litigation.

The administrative structure of CMPP consists of a Board of Directors, two part-time managers (both experienced lawyers and mediators), a full-time scheduling clerk, and a part-time office assistant.

There are currently eleven mentors (trained mediators, with mediation experience) who have contracted with the CMPP to supervise trainees.

If accepted into the practicum, each trainee pays a fee of \$2,000 and is guaranteed 10 mentored mediations of Small Claims Court matters. Some of the cases are based on voluntary referrals, others on mandatory referrals (construction dispute cases).

There have been three classes of trainees between June/98 and the end of February/99, each of approximately 3 months duration. The first and third class had 16 mediators; the second had 18. The practicum involves cases from two claims sites: Vancouver (Robson Square) and Surrey.

Each trainee participates in a group orientation session, and completes 10 mentor-supervised mediations over the course of the practicum. In Class I, three of the ten mediations were co-mediations with another mediator (plus the mentor) rather than just with the mentor. In Classes II and III this number was reduced to one.

Each mediation involves a pre-mediation consultation between mediator and mentor, an (approximately) two hour mediation, and a debriefing session with the mentors. There are numerous monitoring and evaluation forms that are filled out after each mediation. Similarly, parties to the mediation are asked to complete a short assessment sheet after the mediation.

Purpose of the Evaluation Study

This study evaluates the CMPP as a training program. It does not assess the significance of outcomes of mediations or their impacts on the Small Claims Court, which is the subject of a second evaluation being conducted by the Dispute Resolution Office of the Ministry of Attorney General.

The principal methodologies for the evaluation were telephone interviews with all eleven CMPP mentors, and a random sample of 32 of the 50 mediators in the first three classes, stratified by class. These interviews were conducted from late December, 1998 to the beginning of February, 1999.

Findings

- A high level of satisfaction with the overall practicum was expressed by the mediators. The average rating on a 5 point scale (1=totally useless; 5=extremely useful) was 4.5.
- Other high ratings by mediators on a 5 point scale were (1=very problematic; 5=worked well):
 - the overall number of mentors (4.5)
 - the use of caucusing (4.5)
 - the general level of difficulty of cases (4.4)
 - scheduling of mediations (4.4)
 - having both voluntary and mandatory cases (4.4)
 - debrief following the mediation (4.4)
 - the way critical feedback was provided by the mentor (4.3)
- The greatest positive change in average ratings by mediators from Class I through Class III was for elements over which the program managers and/or mentors had the greatest control. The Class I, II and III average mediator ratings of such items are as follows:
 - role of mentor during mediation (3.4, 4.1, 4.7)
 - pre-mediation consultation (3.4, 4.3, 4.6)
 - orientation sessions for mediators (2.7, 3.3, 3.9)
 - scheduling of mediations (3.8, 4.5, 4.9)
 - debrief following mediations (3.8, 4.7, 4.8)
 - the way critical feedback was provided by mentors (3.9, 4.3, 4.7)

- Areas requiring further attention by the CMPP are listed in the conclusion of this executive summary.
- Mentors identified three areas which were central to their approach to mediation:
 - the need to be flexible
 - the need to recognize and acknowledge the emotional dynamics between parties
 - the need at times to be directive of the process in the sense of focussing parties on outcomes, and helping to maintain momentum
- Subsequent to feedback from Class I, mentors strove to be less immediately interventionist in mediations, and to give the mediators more space to find their own path. In general, however, both mentors and mediators acknowledged the need for mentors to balance acknowledgment and support for the mediator with interventions at critical moments.
- Depending on their backgrounds, mediators traveled quite different paths to become more effective. Some had to learn to de-emphasize their focus on details and fact-gathering, learn to be attentive to underlying interests and emotional dynamics, and rather than orchestrate their own solution, learn to nurture the parties' ability to work towards a solution. Others were often adept from the outset at recognizing emotional dynamics, but had to acquire confidence, establish presence, and learn to take the initiative at key points to move the case forward.
- Analysis of settlement rates showed that outcomes of mediations at the beginning of each class were not substantially different from those at the end. This suggests that mentors were able to compensate, where necessary, for mediator inexperience. In this sense it does not appear that using the mediation forum as a training vehicle is prejudicial to the parties involved.
- An analysis was undertaken of 560 written comments on Participant Questionnaires filled out by parties after the completion of their mediation. Of these, 168 comments related specifically to the performance of the mediators. These comments were overwhelmingly positive (89%, 150/168) Thus, the perception exists that the mediators are professional and competent.

Conclusions

The CMPP has demonstrated strong success as a training program in several ways:

- *Mediator satisfaction*: despite criticisms of certain aspects, mediators in all three classes consistently rated the practicum very highly as a learning experience. Only 2 out of 32 mediators rated the practicum as low as "3" on a 5 point scale. Similarly, only two mediators in the survey had some questions about the value

they received for money. The largest single reason for respondents' satisfaction was the "real life experience" mediators gained through the program and their exposure to different mentoring styles.

- *Mentor satisfaction:* mentors also felt they grew in the program and have increased their mentoring and mediating skills
- *Ability of CMPP to adapt program in response to feedback.* Feedback about the program was increasingly positive from Class I to Class III in key areas where the project managers and mentors could make changes. The scheduling clerk has also developed an excellent database which allows program staff to analyze program trends and individual performance, and to produce certain information for mediators and mentors which helps with conflict checks, preparation for sessions, etc.
- *Ability of the project to maintain consistent rates of settlement and high party satisfaction while acting as a training vehicle.*

CMPP's basic structure as a learning vehicle also appears very sound. By this we mean the combination of 10 mediations, numerous mentors, a variety of case types, involvement of both voluntary and mandatory mediation, pre-mediation consultations and post-mediation debriefs.

This overall success is all the more important, given the absence of any other small claims mediation practicums of this intensity in the province.

This said, there are a number of areas where the CMPP could focus its attention to fine tune the program. These include:

- Orientation and mid-session training session for mediators:
 - Fuller discussions around offering and receiving constructive criticism and interventions in the mentoring process.
 - Making the mid-practicum training session mandatory for mediators, to ensure that the topics of writing agreements and intercultural issues are attended. Our understanding is that this will occur in Class IV.
- Intercultural training that creates a tighter connection between cultural attitudes and mediation practice.
- Either developing more extensive preparation procedures for co-mediations or making co-mediations optional.
- Inclusion of more detailed comments in the Summary of Feedback form sent to mediators at the end of each practicum.

- Structuring of mentor information sessions to include less administrative content and more discussion of student progress and mentoring approaches.
- Making mediator participation mandatory in at least two of the three monthly mediator meetings.

Acknowledgements

I should like to acknowledge the following who contributed to this report:

- *Sharon Sutherland* and *Lee Turnbull*, project managers to CMPP, both of whom were extraordinarily helpful in transmitting data and information about the project, coordinating the process of obtaining permission to interview respondents, and in providing feedback on the draft report.
- *Beth Bynoe*, for having developed one of the most effective databases we have seen in a project of this size in over 20 years of consulting. Although the evaluation was not structured around the database, Beth was very responsive in extracting data for several specific requests.
- The eleven *mentors* and 32 *mediators* for responding so promptly to our requests for telephone interviews, and for the consideration and candor with which they responded to questions.
- Mentors of the BC Resolution Practicum Society's Board of Directors, for reviewing the original evaluation objectives and the draft report so efficiently.
- *Irene Robertson* and *Jerry McHale* of the Dispute Resolution Office for their review of the draft report.
- *Peggie-Ann Kirk* of Focus Consultants for conducting the interviews and *Geoff Gosson* for word processing services.
- Thanks are also extended to the Law Foundation of British Columbia, which fully funded this evaluation.

1.0 Background

The Small Claims Court Mediation Practicum Project (CMPP) formally began operations in May 1998. A pilot project of the BC Dispute Resolution Practicum Society in partnership with several other groups¹, the CMPP has the following objectives:

- to allow trained but inexperienced mediators to develop their skills by giving them the opportunity to mediate ten claims filed in Small Claims Court under the supervision of a mentor who has considerable mediation experience;
- to enlarge the pool of qualified mediators in the province;
- to assess the success of both voluntary and mandatory mediation referrals in Small Claims Court;
- to assess the potential for mediation of civil cases to relieve pressure on the provincial court bench; and
- to provide a free service to parties in small claims disputes to use mediation as an alternative to litigation.

Evaluation of the success of the project in meeting these objectives is being handled through several processes. The first is coordinated by the CMPP project managers. The scheduling clerk for the project has developed an extensive database which has been used by the project managers to generate regular reports on results of cases from intake through to final outcomes, and on party satisfaction. Through this database, the CMPP has not only an ongoing capacity to analyze a wide range of internal issues, but also to provide data to meet external evaluation requirements, as was the case in this study. The second evaluation process is also internal to the CMPP. Through a variety of forms completed by both mentors and mediators, feedback is gathered about mediator performance and progress of mediation, and the usefulness of the mentors' inputs. While these forms are collectively used as assessment devices for program management purposes, they have also been useful for the current study.

The Dispute Resolution Office (DRO) of the Ministry of Attorney General is directing a third evaluative process which examines the impact the CMPP has on court resources and the flow of cases through settlement conferences and trial. The final evaluation report for the DRO component is currently scheduled for completion at the end of April, 1999.

¹ Dispute Resolution Office of the Ministry of Attorney General, Law Foundation of BC, Continuing Legal Education Society, Mediation Development Association of BC, Surrey White Rock Mediation Centre, Canadian Bar Association (BC Branch), ICBC, the Justice Institute of BC, and the BC Arbitration and Mediation Institute.

A fourth process has been undertaken by Focus Consultants and forms the basis of this report. It assesses the CMPP as a training vehicle. The specific evaluation objectives for this study as determined in December 1998, were:

- to describe the evolution of training practices/procedures over the course of the first three classes of mediators;
- to determine qualities/knowledge/skills which are perceived to be important in mediation mentoring, and to assess how effectively they were provided in the CMPP
- to determine the perceived benefits of the practicum for the trainees;
- to determine qualities which are perceived to be important in trainees being able to benefit from a practicum approach, and to assess the extent to which these qualities were present in the three classes of mediation;
- to identify structural factors which affect mentors' effectiveness
- to identify the strengths and weaknesses of the components of the practicum model
- to identify the implications for training of voluntary versus mandatory referrals;
- to identify learning outcomes of the CMPP for mediators; and,
- to assess training outcomes in terms of case resolution and participant satisfaction.

Following the discussion of methodology in section 2 and a presentation of the CMPP model in section 3, this report presents the findings flowing from these objectives in five sections. The first is an overview of key quantitative results based on mentor and mediator ratings (section 4.1). These results are then followed by more qualitative analyses of the CMPP model and structure (section 4.2), the role of mentors (4.3), mediator qualities and experiences (4.4), and other training outcomes (4.5). Conclusions are presented in section 5.

2.0 Methodology

The primary methodologies used in the evaluation were telephone interviews with mentors and mediators, plus analysis of selected forms which had been completed by mediators and mentors as part of CMPP's ongoing internal evaluation process. Appendix 1, originally developed as a planning document, outlines how these methodologies served as data sources for the study objectives listed in the previous section (1.0 Background).

All eleven of the mentors were interviewed from late December through early January, using the instrument shown in Appendix 2. Mediator interviews took place from Jan 11 to Feb 1, 1999. A sample of 32 of the 50 mediators was stratified by each of the three mediator classes. This resulted in 10 interviews for each of Class I and III, which had 16 mediators, and 12 interviews for Class II, which had 18 mediators. The mediator questionnaire is shown in Appendix 3.

The results of these interviews form the primary basis for findings in the report. The analysis of forms provided some supplementary data and comparisons, but primarily served to confirm and reinforce the interview findings. Similarly, except for brief comments in section 4.5 that reflect on CMPP data and party satisfaction reports, the evaluator has tried to avoid duplicating analyses that the CMPP project managers have already very competently developed and presented at regular intervals.

A minor problem in the mediator interviews was that Class III mediators were still in the program, and therefore had not completed all their mediations. This is clarified in the findings section whenever it has had an impact on responses. A similar issue arose in analyzing forms, in that certain types of feedback or assessments were not as yet complete for Classes II and III. In all other respects the interviews and data analyses were straight forward. The evaluator received excellent cooperation from both sets of respondents, and highly efficient support and coordination from the project managers in securing respondent consent for interviews, and in arranging access to selected forms.

3.0 The CMPP Model

This section provides a description of the CMPP model, primarily for readers of the report who are external to CMPP. The objectives of the project have already been outlined in section 1. The intent here is a brief overview only; particular aspects of the practicum itself, including its evolution and outcomes, are analyzed in greater detail in section 4.

3.1 Administrative Structure.

The CMPP is a project of the BC Dispute Resolution Practicum Society (BCDRPS), which in turn is the successor of a multi-organization planning committee (see footnote to page 1 for participating organizations) which brought the CMPP to fruition. The Board of Directors of the BCDRPS currently consists of individuals from some of these organizations, acting in a personal capacity.

Two part-time managers, both experienced lawyers and mediators, have been retained as “consultants” to the project through its first funding period to:

- administer the delivery of the practicum and mediation services
- liaise with the Judiciary and Registry Staff of the Small Claims Court
- act as a resource to the Board of the BCDRPS
- develop and improve the practicum as appropriate

A scheduling clerk was hired in late June. She is an experienced lawyer and trained mediator and thus able to take on a wide range of responsibilities beyond the normal scope of a clerk. She is responsible for scheduling mediations, entering project data into the computerized tracking system, responding to telephone inquiries and providing general office support. She is assisted in these tasks by a part-time office assistant.

Initially eight mentors, and in July/98 a further three, were selected by a committee consisting of the program managers and a representative of the BCDRPS Board. The primary qualifications required by mentors included:

- 80 hours of case training or equivalent experience in interest-based mediation and conflict resolution theory and skills
- completion in the last three years of 10 fee-paid private mediations or 10 mediations with an approved mediation organization
- relevant work experience

Mentors sign a Mentor Agreement which outlines mentoring responsibilities and honorarium schedule.

Mediators apply to take the practicum. Pre-requisites include a minimum of 5 full days of interest-based mediation training, including at least 10 hours of role playing. If

accepted, mediators are required to sign a Practicum Agreement which, among other things, guarantees that they will participate in 10 mediations with a mentor. The fee for the practicum is \$2,000.

3.2 The Practicum

There have been three classes of trainees between June/98 and the end of February/99, each of approximately 3 months duration. The orientation for the fourth class was Jan 7, 1999. (Due to the lack of availability of mediators at particular times, there has been as much as 2 months overlap between the last mediations of one class and the first mediations of the next.) The first and third class had 16 mediators; the second had 18. The practicum involves cases from two Provincial Court Small Claims sites: Vancouver (Robson Square) and Surrey.

Commencing with Class II, each trainee is required to attend an initial one day group orientation meeting (in Class I it lasted two days). This meeting deals with, among other things, an overview of what happens in the project, the model of mediation involved, and a presentation of how mentoring works. An additional half day, scheduled at a later date, has a dual focus: 1) intercultural training, and 2) writing agreements. This half day session was not mandatory for Classes II and III, but will be so for Class V and future classes. The intercultural training deals with Indo-Canadian historical/cultural/social themes because of the significant proportion of cases in Surrey involving Indo-Canadian parties. As will be discussed in section 4.2.10, the development of written agreements in a compressed time period has been a difficult skill for some trainees to acquire.

Each trainee completes 10 mentor-supervised mediations over the course of the practicum. In Class I, three of the ten mediations were co-mediations with another mediator (plus the mentor) rather than just with the mentor. In classes II and III this number was reduced to one.

Each mediation involves a pre-mediation consultation between mediator and mentor, an (approximately) two hour mediation, and a debriefing session with the mentors. There are numerous monitoring and evaluation forms that are filled out after each mediation. Similarly, parties to the mediation are asked to complete a short assessment sheet after the mediation.

There have been monthly meetings of mentors which in the first months dealt with administrative matters, but which are now focussing more on student progress and assessments and mentoring skills. In addition, there have been end of practicum final assessment meetings of the mentors, and for Class III, an additional mid-term assessment meeting.

The original expectation was that all cases would be based on voluntary referrals, with a possible phase-in of some mandatory referrals by September. Just before the practicum began, the Chief Judge of the B.C. Provincial Court passed a practice

direction mandating that Small Claims construction disputes would be referred to the program on a mandatory basis, effective immediately. Thus from its inception the practicum has involved both voluntary and mandatory referrals.

4.0 Findings

Section 4.1 presents key quantitative findings based on mentor and mediator ratings of various aspects of the CMPP; sections 4.2-4.5 report more qualitative findings related to the overall model, the role of mentors, the mediator experience and certain training outcomes of the program.

4.1 Overview

Table 1 presents a summary of the ratings given by mediators and mentors about various dimensions of the program. Some dimensions were rated by only one of the two respondent groups. The ratings are listed in descending order of positiveness from the mediator standpoint.

It should be emphasized that there is a time differential in the responses. The mediators each responded in terms of their experience at the time of their participation in the program, which obviously was different for each class. Mentors were asked to rate the item as they viewed it functioning currently (i.e. at the end of December and early January).

Although each item will be discussed more fully in subsequent sections, the following generalizations can be made:

- There is a reasonable spread in the mean ratings, which suggests respondents were quite willing to discriminate between elements which worked well for them and others that did not. Thus, where one sees change in ratings over time (i.e. from Class I to Class III), the change is likely to be an accurate reflection of actual experience.
- The greatest positive change in average ratings by mediators from Class I through Class III was for elements over which the program managers and/or mentors had the greatest control. For example:
 - role of mentor during mediation 3.4 to 4.7
 - pre-mediation consultation 3.4 to 4.6
 - orientation sessions for mediators 2.7 to 3.9
 - scheduling of mediations 3.8 to 4.9
 - debrief following mediation 3.8 to 4.8
 - way critical feedback provided
by mentors 3.9 to 4.7
- The changes suggest an attentiveness by the program managers and mentors to feedback they have received, and their ability to make adjustments to procedures/style, etc. over time.

TABLE 1: Mediator and Mentor Ratings of Various Aspects of the Practicum

Aspect Rated	Average Ratings ¹				
	Total N=32	Class I N=10	Class II N=12	Class III N=10	Mentors N=11
1. Overall practicum as a learning experience	4.5	4.2	4.7	4.6	-
2. Number of mentors	4.5	4.3	4.7	4.5	-
3. Use of caucusing	4.5	4.4	4.6	4.6	4.6
4. General level of difficulty of cases	4.4	4.4	4.5	4.4	4.3
5. Scheduling of mediations	4.4	3.8	4.5	4.9	4.0
6. Having both voluntary and mandatory cases	4.4	4.2	4.3	4.6	4.5
7. Debrief following the mediation	4.4	3.8	4.7	4.8	4.4
8. Way critical feedback was provided by the mentor	4.3	3.9	4.3	4.7	-
9. Pre-mediation consultation between mentor and mediator	4.1	3.4	4.3	4.6	4.0
10. Role of mentor during actual mediation	4.1	3.4	4.1	4.7	4.2
11. Written feedback provided by mentors ²	4.0	3.7	3.8	4.5	-
12. Participation of lawyers (for clients) in the mediation	4.0 (NR=1)	4.2	4.0	3.8 (NR=1)	3.8
13. Degree to which mentors could track mediator progress	3.9 (NR=3)	3.8 (NR=1)	3.9 (NR=2)	4.0	2.8
14. Use of two sites (Surrey and Vancouver)	3.6 (NR=1)	3.9	3.4	3.4 (NR=1)	4.4 (NR=1)
15. Two-hour framework for completing mediation	3.5	3.4	3.6	3.6	3.4
16. Development and recording of agreements	3.4	3.7	3.3	3.4	3.5
17. Co-mediation session(s) with other mediators	3.3 (NR=4)	2.8	3.6	3.3 (NR=4)	2.2 (NR=2)
18. Orientation session(s) for mediators	3.3	2.7	3.3	3.9	3.6 (NR=6)
19. Intercultural training	3.3 NR=6)	3.3 (NR=3)	3.8 (NR=3)	2.9	4.4 (NR=3)
20. Overall number of mediations per trainee	-	-	-	-	4.3
21. Opportunity for mentor professional development	-	-	-	-	3.7
22. Mentor information sessions	-	-	-	-	3.6
23. Volume/frequency of cases	-	-	-	-	3.5

N = total number of respondents, NR = number of respondents who did not rate this item. If NR is not indicated, all respondents answered the question.

¹ 1 = is/was very problematic; 5 = worked/is working very well

² "Written feedback" for Class I refers to the "Summary of Feedback Form" sent to each mediator at the end of the 10 mediations. For Classes II and III it refers to the individual "Mentor's Assessment Form" completed after each mediation

- There was a difference of no greater than 0.2 between average ratings of mentors and mediators on 9 of the 15 items rated by both groups. In 6 cases there was a greater spread:
 - intercultural training –mentors 1.1 higher
 - ability to track progress – mentors 1.1 higher
 - use of two sites – mentors 0.8 higher
 - orientation session for mediators – mentors 0.3 higher
 - scheduling of cases – mentors 0.4 lower
 - co-mediation between mediators – mentors 1.1 lower

(It should be noted that three mentors have not attended the intercultural training, and no mentor has attended more than a couple of hours of the orientation sessions.)

4.2 Structural Aspects

This section provides more qualitative feedback on twelve of the items rated in the previous section that pertain to the structure of the CMPP.

4.2.1 Scheduling of Mediations

This aspect has improved dramatically since the hiring at the end of June of a clerk to coordinate the scheduling of mediations. A number of mediators and mentors specifically praised the efforts of the clerk to accommodate their needs. Early in the project there was a concern that there might not be enough mediators to fill the projected caseload. Mediators and mentors were therefore booked for certain dates in advance, before cases were even scheduled. When cases didn't materialize for these dates, both mediators and mentors were inconvenienced. This practise was therefore stopped.

Average Mediator Rating	4.4
Class I	3.8
Class II	4.5
Class III	4.9
Mentors	4.0

A second, and more minor problem, was a small number of cases where one or other party would not show up at the mediation. A recent initiative by the scheduling clerk in cases involving out-of-town mediators or mentors has been to phone parties to remind them of the mediation. The impact of this initiative on "no show" rates is being monitored.

A third issue, which occasionally has been a problem for both mentors and mediators, is not having two mediations on the same day. For mentors and mediators from Vancouver Island and the Interior of B.C., it is not efficient to come for only one mediation. Similarly, one respondent had no car for travel to Surrey, so preferred having 2 mediations on the same day to make the trip worthwhile.

The CMPP has tried to deal with this issue from the beginning by asking mediators to make their problems and needs known to the scheduling clerk. As noted above, mediators have felt that efforts were made to accommodate their needs, but some

problems such as last minute adjournments are beyond the control of the project to address.

4.2.2 Two-Hour Framework

The two-hour framework is largely determined by the hours of operation of the court registries and the resulting time available to accommodate two mediations in one day. The registry is open for 8 hours, thus allowing 4 hours per mediation. Two of these hours are comprised of the pre-mediation consultation (1 hour) and post-mediation de-brief (1 hour). This leaves two hours for the mediation itself. Frequently, the mentor has no time for lunch between the two mediations.

Average Mediator	
Rating	3.5
Class I	3.4
Class II	3.6
Class III	3.6
Mentors	3.4

In terms of mentor and mediator feedback, a slight majority of both sets of respondents specifically stated that two hours was not long enough, and several said they would like three or more hours to complete their mediations, or have the flexibility to schedule a second mediation. Many of these respondents took approximately 2.5 hours to complete their mediations. Mentors found that if a time over-run happened in the morning session, the debrief was often hasty, or the consultation prior to the afternoon mediation was cramped.

Several mentors said that their own background and experience was with larger and/or multiple mediation sessions, so that the adjustment to a two hour framework was difficult. Nevertheless, they emphasized that learning to manage a shorter process was a positive learning experience and had widened their perspective on “what works” in mediation. Similarly, several mediators in the first class said that their previous training was with a four hour model, so that they were emotionally “set up” for a longer process prior to CMPP.

Although it is tempting to look at enlarging the time period for the mediation by some means, this is not feasible in any significant way given the Registry constraints. The only real area where some compromise might be made is in having more of the pre-mediation consultation be done by phone prior to the day of the mediation (see section 4.3.4)

A larger issue is whether any emphasis should be placed on lengthening the time framework at all. In this regard, the mediator and mentor feedback, as noted above, shows that they are engaged in a learning process of how to manage personal time in a mediation, and are struggling with previously learned concepts of a lengthier “ideal format”. Moving the “normal” time period to 2.5 hours from 2 hours may simply create pressure to have 3 hours as the norm. Focussing on the skills of time management may ultimately be more relevant.

Several research questions bearing on this issue are beyond the scope of this evaluation, but given the analytical capacities of the CMPP database, may be addressed in the future.

1. Is there a significant difference between mentors in average time used for mediations? (If so, this would suggest time management is a skill held in differing degrees by mentors, and more focus should be put on professional development in this area.)
2. Is there a correlation between the length of mediation and settlement? (If not, this would suggest that a decrease in time will not necessarily prejudice outcomes or the integrity of the process, if time management skills are effectively learned.)
3. Has the average time per mediation decreased over the life of the practicum? (If so, this might reflect increased mentor skills and/or the effects of other educational processes within the CMPP.)
4. Does the average time per mediation decrease over the life of each class? (If so, this might reflect an increase in time management abilities that each class of mediators acquires over the course of the 10 mediations.)

The issue of time also closely relates to several other issues discussed below, such as the use of caucusing (see section 4.2.8), the orientation session with mediators (section 4.2.5), and the development and recording of agreements (section 4.2.10).

4.2.3 Use of Two Sites

From a design standpoint, the incorporation of two sites in the practicum design has both pedagogical and administrative benefits. Pedagogical, insofar as the differing case types and party demographics create a broader learning experience. Administrative, insofar as differing caseload ebbs and flows in each registry tend to smooth out the overall availability of cases, and allow for a relatively continuous assignment of cases to mediators.

Average Mediator Rating	
Rating	3.6
Class I	3.9
Class II	3.4
Class III	3.4
Mentors	4.4

On the one hand, mediators appreciated the pedagogical advantages, and many mentioned the variety of cases, litigants and cultural dynamics afforded by the two sites. On the other hand, many complained about travel time involved to Surrey, especially respondents from out of town, or those who did not have cars. The occasional “no show” made the wasted travel time even more frustrating. The only frustration mentioned in relation to the Robson St. Court was the cost of parking.

The project managers and scheduling clerk state that they have tried to respect preferences (e.g. for bus travellers) as much as possible. Nevertheless, the frequency of comments about travel suggests that some mediators may not have been aware that accommodation to their needs could be made.

4.2.4 Voluntary and Mandatory Cases

The difference between voluntary and mandatory cases was originally seen as one of the specific focuses for this evaluation. Up until the eleventh hour in the planning of the SCMPP it was assumed that cases, at least initially, would all be voluntary, with a possible phase-in of mandatory cases around September of 1998. Only two weeks before the project started, it was announced that all construction disputes would be directed to mediation.

Average Mediator Rating	4.4
Class I	4.2
Class II	4.3
Class III	4.6
Mentors	4.5

Ironically, the response of both mentors and mediators verges on a consensus that there is little or no difference between these two referral types, apart from obvious substantive content differences. Many respondents experienced this lack of difference as a pleasant surprise. For the few mediators (and two mentors) who felt that mandatory cases were more problematic because parties really didn't want to mediate, there was an equal number who said that mandatory cases settled more easily or that voluntary cases were often unsuccessful because parties didn't have a clear idea of what they were getting into.

4.2.5 Mediators' Orientation Sessions

Clearly these sessions were improved over the course of the three classes. The Class I sessions were disjointed, but the project managers and mentors were attempting to adapt to the provincial government's announcement of mandatory referrals, an apparent increase in numbers of cases and the realization that the various monitoring forms were too cumbersome and legalistic for use in a high volume program.

Average Mediator Rating.....	3.3
Class I	2.7
Class II	3.3
Class III	3.9
Mentors	3.6 (NR=6)

The Class I respondents felt there was a need for the orientation session to make a tighter connection between the unique nature of small claims mediation, the constraints of the two hour format, and how mediations could best be conducted. This concern appears to have been addressed more successfully in the sessions for Classes II and III with the inclusion of a demonstration of a mediation.

Several mentors felt the issue of offering and receiving constructive criticism should be addressed more fully in the orientation session. Several topics related to this issue which some mentors felt might usefully be addressed are:

- Motivation for participation in the practicum (i.e. for learning or simply for eligibility for the B.C. Mediator Roster)
- Difficulties professionals might have in receiving guidance (e.g. if the mediator is a lawyer and the mentor is not, or if the mediator is significantly older than the mentor) or in being candid about their own shortcomings (e.g. in planning or debriefing a co-mediation)

- The fact that constructive criticism may still be offered by the mentor even if a resolution was achieved in the mediation session.
- The types of barriers that different professional groups may have to overcome to mediate effectively (e.g. lawyers may have strengths in establishing a presence and helping generate momentum, but be overly-focussed on facts rather than underlying interests and personal dynamics; social service professionals may be responsive to the underlying interests and emotional dynamics but have less confidence around their ability to move a case forward)

One mentor suggested the development of a video showing interactions between a mentor and mediator. This could focus not only on specific mediation techniques, but also on the issue of de-briefing.

4.2.6 Inter-cultural Training

The mediator ratings were polarized in the first and third classes, but more consistently positive in the second class. Most respondents in Classes I and II felt the Indo-Canadian speaker provided interesting information and only two respondents critiqued the delivery style. The respondents in Class III were more critical of the delivery styles of the presenters.

Average Mediator Rating	3.3
Class I ..	3.3 (NR=3)
Class II ..	3.8 (NR=3)
Class III	2.9
Mentors	4.4 (NR=3)

Two other comments were made by mediators from all three classes and by some mentors. The first was the perception that the analysis of Indo-Canadian culture was not sufficiently connected to the mediation process. The second was that inter-cultural training should extend to other cultures as well as Indo-Canadian.

4.2.7 Level of Difficulty of Cases

In general, the range of difficulty of cases was seen as unproblematic by both respondent groups. The main factor that was difficult at times was not the substance of the case, but rather the positional stances of one or both parties. As one member said, “the real problem is when people hold onto a position for the ‘principle of the thing’”. Some respondents also reiterated that time constraints, not the intrinsic difficulty of the case, created problems. This issue has been discussed in section 4.2.2.

Average Mediator Rating.....	4.4
Class I	4.4
Class II	4.5
Class III	4.4
Mentors	4.3

4.2.8 Caucusing

The vast majority of both sets of respondents felt that caucusing was an essential tool in a 2 hour mediation, and that it had worked well. Mentors estimated its use at between 75 and 99% of all mediations. Two mediators in different classes claimed that some of the mentors used caucus to “bully” parties into a settlement. Others, including mentors, noted that the timing of going into caucus was critical.

Average Mediator	
Rating	4.5
Class I	4.4
Class II	4.6
Class III	4.6
Mentors	4.6

4.2.9 Attendance/Participation of Lawyers

The majority of mentors felt that lawyers, rather than making parties more positional, actually helped to calm them. A few felt they tended to be adversarial and influenced their clients in the same direction. The same pattern of opinion existed among mediators. One felt that if the lawyers were paid on a contingency basis they tended to more adversarial.

Average Mediator	
Rating	4.0
Class I	4.2
Class II	4.0
Class III	3.8
Mentors	3.8

4.2.10 Development/Recording of Agreements

This area has been problematic from the outset, and judging from mediator ratings and comments in all three classes, is only marginally closer to resolution.

Average Mediator	
Rating	3.4
Class I	3.7
Class II	3.3
Class III	3.4
Mentors	3.5

The only significant area of progress is that several Class I and II mediators felt that even the mentors were confused and inexperienced in drafting agreements appropriate for the courts. By comparison, several Class III mediators specifically noted the help the mentors gave with agreements, often taking the lead at this stage. It does not appear that this comfort level that the mentors have acquired is filtering down to the mediators.

Given that this process is closely related to the overall time pressures many mediators and mentors feel within the two hour constraint, it would seem important that the issue of agreements be made a priority for improvement in future classes. Three approaches suggested by respondents were:

- Incorporate a fuller discussion and practice around creating agreements in the orientation session, with analysis of various sample agreements drawn from actual mediations.
- Develop precedents/templates that can be used in the mediation session.
- Use laptops to draft the agreements (at least for those who are adept at word processing).

Of these we would recommend that emphasis remain on the first approach. The issue is not dissimilar to that of focussing on time management skills in response to the constraints of time, as discussed in section 4.2.2. Although one could develop aides and precedents for use in the actual mediation, they will likely distract the parties from reaching an agreement that they genuinely own and the mediators from listening to and reflecting the parties' interests. Precedents have a useful place in the process of building agreement-writing skills in a training session, but not in a mediation session. The fact that this portion of mediator training will now be mandatory will likely help to consolidate these skills in future classes

4.2.11 Co-mediation Sessions with Other Mediators

Six respondents in Class II and two in Class III rated co-mediations at a "5". The common factor in co-mediation as a good experience was that the two mediators worked as a team and put their egos aside. One respondent felt "great elation" when the case was settled, appreciating that it had been a team effort. Out of 13 mediators in Classes I and II who identified their "best mediation" in their self-evaluation forms, two were in co-mediations.

Average Mediator Rating	
Rating	3.3
Class I	2.8
Class II	3.6
Class III 3.3 (NR=4)	
Mentors	2.2

Despite these good experiences, the predominant tone of the responses was critical. Ten out of 28 mediators rated co-mediation as "1" or "2" on the 5 point scale. Seven out of 13 mediators ranked co-mediation their "worst mediation" on their self-evaluation forms (Classes I and II only).

The main overall areas of concern were:

- inadequate time for co-mediators to get to know each other, discuss approaches, style and roles
- imbalance between the mediators, or domination of the proceedings by one or other mediator
- the feeling that co-mediation distracted from rather than enhanced the individual learning trajectory of the mediator
- the awkwardness of too many parties in the room (mentor plus two mediators)
- reservations about how useful co-mediation skills will be in the marketplace

Mentors echoed these concerns. They emphasized that under normal circumstances, co-mediation is done by mediators who have worked in the same setting and have come to know each other for some time prior to the mediation, and who have had ample opportunity to discuss styles and specific roles that would be played in the co-mediation.

These conditions do not exist in the practicum to the same degree they would in a regular mediation setting. CMPP stresses the need for mediators to get to know each other and gives them 6 weeks to choose a co-mediation partner. If mediators have not selected a co-mediator by this time, they are given an assignment and pleadings

approximately 3 weeks in advance of the mediation. The reality is that some mediators don't take this opportunity to communicate with each other, and since mediator meetings have not been mandatory to this point, they also don't always utilize the opportunities that are readily available. Although CMPP adjusted the number of co-mediations from 3 to 1 after Class I, at least one co-mediation will continue to be the rule. This is partly because of financial savings that accrue because the mentor is paid once for dealing with two mediators at the same time, rather than twice for two separate mediations. It is also because CMPP feels that co-mediation practise is a valuable tool for building skills which are helpful in the marketplace.

Given that the predominant experience has been at least awkward if not negative for mentor and mediator, it would seem essential that either 1) more focus on preparation be undertaken prior to the co-mediation, 2) a thorough discussion be held with mentors about their role in helping mediators prepare for, conduct and debrief co-mediators, or 3) that the co-mediations be made optional.

In regard to the first approach, the evaluator suggested in a draft version of this report that components of this preparation include:

- a rationale for learning co-mediation skills, including discussion of the frequency and type of use of co-mediations in the market place
- explicit learning goals for co-mediation that are different from individual mediations with a mentor. It should be understood that achievement of these goals will be discussed in the post-mediation de-brief.
- identification of key items for discussion between mediators prior to their co-mediation, including, for example, where they see themselves on their learning path in regard to skill sets, confidence, etc., differentiation if any, of roles, and agreement on cues for moving in and out of situations

In response to these suggestions, the project managers stated that all three of these points are emphasized both in the orientation and in the second of the three monthly mediator meetings. As already noted above, mediator follow-up meetings and training were not mandatory in the first three classes, so these points may simply not have been absorbed by some mediators. It may be that mandatory attendance in future classes will help consolidate mediators' understanding of and preparation for co-mediations.

The second approach focuses on mentors, whom, as we have seen, have expressed significant reservations about co-mediations. One suggestion for fortifying their role is that two rather than one pre-mediation consultations be held for co-mediations. The first meeting would focus primarily on the component identified in the third bullet above, the second (on the day of the mediation) on the specifics of the case. Four of the mentors felt that the mediators should have more experience with each other prior to a co-mediation, and two meetings may help consolidate that contact.

The third approach is simply to make the co-mediations optional. If the existing approach and/or one of the above suggestions do not lead to a greater appreciation of

the value of co-mediations as a learning experience, it makes little sense to continue them. We appreciate that there are financial implications for the CMPP in this (and possibly in the second) approach, and for this reason it would be preferable to determine first whether mandatory mediator attendance at training sessions, or a more focused approach by mentors may create more positive outcomes.

From a research standpoint, it might also be useful to identify party satisfaction in co-mediated sessions, if these sessions can be identified separately, specifically to determine if mentor and mediator perceptions of there being too many people in the room are shared by the parties.

4.2.12 Overall Number of Mediations per Trainee

This item was rated only by the mentors. For the most part, they felt that 10 was an optimum number of mediations for the general purposes of the practicum. There was an assumption expressed by several mentors that the number of mediations related to one of the eligibility requirements for inclusion on the B.C. Mediator Roster. Over and above this practical advantage, 10 mediations seemed to be sufficient for mediators to “learn reality”, be exposed to a cross-section of personalities and case types, and experience a variety of mentoring styles and concerns. The cost of a program with more mediations would likely be a disincentive for many mediators. Indeed, the cost of the existing program was a concern from some mentors, not because it was not good value for money, but because it might be beyond the reach of many non-professionals.

Mentors Rating .. 4.3

Several mentors noted that in each class there were 1 or 2 trainees who lacked self-awareness , essential interest in learning new skills and/or receptivity to constructive criticism. In these cases, even more than 10 mediations would not likely have created the necessary changes in awareness or sensitivity.

4.3 Mentoring Issues

This section provides background information about mentors’ motivations and beliefs around mentoring and mediation, and presents feedback on various aspects of the mentors’ role and/or interaction with mediators, both from the mentors’ and mediators’ perspective.

4.3.1 Mentor Motivations, Beliefs and Skills

The primary reasons stated by mentors for applying to CMPP were that they liked training, they wanted to pass on what they knew, and/or that they had relevant experience in “fast-track” or court-based mediations. Several mentioned their conviction that mediation was a more effective and/or sensitive process, and others mentioned career-related decisions in relation to which mentoring for CMPP would be a benefit.

Beliefs About Mediation

Mentors were asked to identify the beliefs about “effective mediation” that were central to their approach. Over and above generally accepted principles such as impartiality, their beliefs coalesced around three poles. The most frequently-stated belief was that the dispute belonged to the parties and that the mediator should be flexible, not just a “solution-supplying machine”. This related closely to a second belief, the importance of making contact with the individual parties, to understand their fears about the process, and to be respectful about and/or acknowledge their feelings. The third belief is the need at times to be directive around process, to keep momentum and maintain the focus of parties on an outcome.

As will be seen in section 4.4.2, many of the mediator comments concerning the most important things they learned in the practicum related closely to the first three beliefs.

Beliefs About Mentoring

Mentors were also asked to identify their central beliefs about mentoring. There were four main focuses in their responses. The first was to pay attention to the trainees’ persona, interests and concerns: show respect, emphasize the positive, pay attention to what they can digest, encourage them to avoid “scripted approaches”, and to work within their own personalities. The second, closely related to the first, is to have modesty about one’s own role as a mentor, and be willing to be led by trainee interests and needs. One mentor distinguished between coaching and mentoring. In the latter process there is more opportunity to ask trainees what they are bringing to the practicum and what skills they want to develop, whereas coaching is often a group process. On the other hand, constructive criticism is sometimes a more delicate process because it is more direct and one-to-one, and harder for the mediator to deflect.

The third mentoring belief is to let trainees make their own mistakes, and not jump in too soon to redirect the process, unless it is clear the mediator is “running out of gas”. The fourth, a balance to the first three, and specific to the mediation context, is to know when to jump in and to take care of the parties as well as the mediator. This balancing of support and intervention in mentoring is a mirror reflection of the balance between flexibility and directiveness in mediation.

Mediators were asked to identify the type of mentor that worked best for them in the practicum. Their responses, in descending order of frequency were as follows:

- empathic / giving/ willing to spend time to identify concerns or know mediator (9)
- experienced / confident / capable / has solid training / directive (7)
- minimally intervening / gives room to fail and learn (6)
- variety of mentors itself was the key for learning (6)
- those who maintained a balance between support and directiveness (3)
- those who were able to give concrete feedback/maintain focus on learning (3)
- those who were flexible about mediation outcomes, not overly directive (2)

Clearly, the combination of responses is similar between mentors around their beliefs and mediators about their preferences. The greatest concern around non-interference was expressed by mediators in Class I; several mentors acknowledged that they learned to intervene less quickly as a result of feedback from mediators in the first class.

Ultimately, this combination of responses demonstrates that a balance of qualities is needed between establishing presence, assertiveness, concreteness, energy, confidence, and directiveness around process on the one hand, and empathy, givingness, flexibility and supportiveness on the other. Mentor responses about skills they frequently used, or would like to possess in greater measure, or felt they had learned in the practicum fell easily into these two sets of qualities.

4.3.2 The Overall Number of Mentors

Although the general level of satisfaction with the number of mentors was high, the almost unanimous preference was “the more variety, the better”. Only one respondent would have preferred fewer mentors, and many who had as few as four voiced a strong preference for more.

Overall Mediator Rating	4.5
Class I	4.3
Class II	4.7
Class III	4.5

The average number of mentors per respondent in the survey increased from 5.2 in Class I to 6.6 in Class II, and approximately 7.0 (on a projected basis, since after 5 mediations the average was 3.5) for Class III.

4.3.3 The Degree to which Mentors Can Track Mediator Progress

The relative inability of individual mentors to track the progress of mediators can be characterized as a difficulty, but not a “big issue”. Mediators and mentors felt there was some opportunity for tracking progress, especially if mediators had the same mentor at the beginning and end of the practicum. The scheduling clerk attempts to arrange this combination where several mentors and mediators mentioned that the mediators bring their own needs and concerns around progress to the pre-consultation meetings and the mentor addresses those needs.

Overall Mediator Rating	3.9
Class I	3.8
Class II	3.9
Class III	4.0
Mentor Rating	2.8

Although several mediators felt it would be helpful to have closer tracking on an individual basis, only three mediators rated the tracking function lower than a “3”. Two mentors differentiated between whether they could follow progress collectively as a mentor group versus as individual mentors. Their individual inability to track mediators was less important than their ability to exchange information and develop sound procedures as a group to monitor mediator progress. For Classes I and II mentor information and assessments of mediators were exchanged formally at the end of the practicum, whereas in Class III they had a mid-point assessment process.

There is clearly a trade-off between the benefits of having exposure to many mediators (as per the previous section), and the loss of individual mentor tracking capabilities. On balance, it would appear that mediator enthusiasm for the former outweighs concerns about the latter. Nonetheless, it would be helpful 1) to emphasize, perhaps in the orientation, that to be able to nurture the mediators' progress, mentors are dependent on the mediators to convey their (and the previous mentors') concerns and opinions to each successive mentor, and 2) to formalize a mid-practicum assessment process for all classes

4.3.4 Pre-mediation Consultation with Mentor

There was significant improvement in this rating from Class I to Class III, and the shift in comments from Class I to Class II was dramatically positive (e.g. Class I: "hit and miss", "too unstructured", "initially brutal/wasn't any until I initiated it", "what consultation?/lucky if I get a faxed copy of the pleadings and met ten minutes prior"; Class II: "everyone generally available and went through all that was necessary", "very supportive", "very helpful, more than willing to spend time", "good overall assessment of the situation beforehand/allowed for establishing good rapport with the mentor".

Overall Mediator Rating	4.1
Class I.....	3.4
Class II.....	4.3
Class III.....	4.6
Mentor Rating	4.0

One of the mentors mentioned talking to the mediator by phone two or three days prior to the mediation in addition to the pre-mediation consultation. This practice was followed by at least one other mentor as well. In this call, mediators tend to be less anxious than in the person-to-person consultation just before the mediation, are also more able to talk personally and reflectively, be somewhat candid about their needs, and brainstorm key issues. There are procedural aspects (e.g. the introduction) that can't be covered just 20 minutes before the mediation. The telephone discussion also gives the mediator time to revise his/her plans prior to the mediation. With a combined telephone and in-person pre-mediation consultation, the total pre-mediation support time is 1 to 1½ hours.

Several mentors also emphasized the need for greater structure in the pre-mediation consultation, and a more vigorous conceptualization – both for mentors and mediators – of its purpose as part of the learning process. Most of the "weight" of learning seems to fall in the mediation and debrief. Perhaps part of the debrief could include the question: "Is there something about your preparation for the mediation that could have produced better results?"

Another issue is punctuality. One mentor observed that in the third class three or four of the mediators arrived late to the pre-mediation consultation. This mentor felt that the attitude towards punctuality in this instance was in part reflective of the lack of receptiveness of the mediators concerned towards learning new skills.

4.3.5 Role Played by Mentor During Actual Mediation

From the mediator perspective, mentors have vastly improved their performance of this task over the three classes. The issue has been to find the balance between intervention, control of process and investment in achieving a settlement versus allowing mediators to struggle and work through their problems. Several mentors acknowledged backing off their interventionist tendencies following feedback from Class I mediators. One mentor said “My approach is to say as little as possible until I have to say something. It sucks, but it’s way ahead of what’s in second place.” Another saw this issue in part as an exercise in setting priorities, i.e. “intervening with only one out of four questions I could be asking.” An important factor that tended to drive mentor interventions was a concern for the parties. Several mentors said they learned that cases were seldom irretrievable, and that if they let the mediation progress without substantial intervention, there was usually a point where, if the mediator was in difficulty, he/she would appreciate rather than resent the mentor’s intervention. This observation would seem to lie at the heart of what experiential learning is about.

Overall Mediator Rating	4.1
Class I	3.4
Class II	4.1
Class III	4.7
Mentor Rating ...	4.2

4.3.6 Debrief Following the Mediation

Mediators had few critical comments concerning the debrief, and especially in Classes II and III, this process was rated very highly. There were isolated comments about the need to complete forms cramping time for discussion. Some mediators would have welcomed more focused and critical feedback.

Overall Mediator Rating	4.4
Class I	3.8
Class II	4.7
Class III	4.8
Mentor Rating ...	4.4

Several stated that the debrief was driven by mediator concern about their performance, and so there was an openness to the mentors’ observations. Two exceptions about this openness were the lack of receptiveness of a small minority of mediators to any constructive criticism, and the delicacy in some instances of offering critiques of processes where settlement had been achieved. For some mediators settlement “sanctioned” the overall process and dynamics, which to the mentor may well have been flawed.

4.3.7 The Way Critical Feedback Was Offered by the Mentor

Again, the main critique from mediators, especially in Class I, was that feedback was not critical enough, “wishy washy”, or lacking in detail. However, the vast majority of comments were positive, and no mediators stated that critiques were disrespectful, unfair or unprofessional.

Overall Mediator Rating	4.3
Class I	3.9
Class II	4.3
Class III	4.7

4.3.8 Written Feedback from Mentors

As noted in Table 1, in section 4.1, “written feedback” for Class I refers to the “Summary of Feedback” form sent to each mediator at the end of the practicum. For Class II and III mediators, it refers to the individual “Mentor’s Assessment Form” completed after each mediation.

Overall Mediator	
Rating	4.0
Class I	3.7
Class II	3.8
Class III	4.5

Although only two of the 10 Class I mediators rated the summary lower than a “3”, half the mediators in this class felt the summary was too short and not specific enough to be a useful resource to them. One respondent suggested that there be some sort of baseline measurement against which to assess progress. This suggestion, while having merit, involves several difficult issues:

- determination of key performance indicators to be assessed
- decision regarding when it would be completed: i.e. during, or only after the session. If done during the session it might be a distraction to mentors, mediators and parties. It might also heighten the tension between the two roles of the mentor i.e. as observer/mentor to the mediator, and as co-mediator.
- decision whether the checklist would be used in every mediation, or simply in selected ones.

Apart from these structural difficulties, the project managers stated that the CMPP’s mandate is not to assess progress in skills, but rather to give feedback related to skills. This distinction – while of importance – is quite fine, and appears not to be understood by the mediators who are requesting more specific content in the “summary of feedback” form. The distinction is also blurred by the comment in the final summary that the mediator “is ready to mediate on his/her own”, which is clearly of an assessment nature.

In terms of the Class II and III responses, most mediators saw the Mentor’s Assessment Form as a helpful confirmation of the verbal debrief. Some complained that they didn’t receive them.

4.3.9 Mentor Information Sessions

Although most mentors felt that these meetings had improved over time, there was still a feeling that they should be tightened up and made more useful. “Tightening up” means ensuring that they start on time, are shorter, and don’t deal with administrative issues. The latter problem is common in new programs, because program adjustments are constantly being made in the early stages.

Mentors Rating.. 3.6 (NR=2)

Being made “more useful” means focussing on student progress and case experiences on the one hand, and on mentoring approaches on the other. This latter need relates to professional development, discussed in the next section.

4.3.10 Opportunity for Mentor Professional Development

Most of the mentors who rated this item highly felt that their professional development was gained from their experience in the practicum as a whole, i.e. having the opportunity to do many mediations, coming into contact with other mentors with advanced skills but differing perspectives, even observing the effectiveness of different mediator styles, and being exposed to a new format of mediation and/or particular case types.

Mentors Rating ..3.7

Those who rated the opportunity for professional development lower wanted to develop the information meetings as a source of professional learning. For these respondents, at least a part of the information meetings should provide for exchanges of ideas on specific topics that could improve their mentoring. Suggestions for this component included, for example, dealing with impasses, dealing with pejorative or degrading comments, and applying inter-cultural skills.

4.4 Mediator Qualities and Learning Outcomes

This section discusses the backgrounds and motivations of mediators, and from both mentor and mediator perspectives, the learning outcomes of the mediators.

4.4.1 Mediator Background and Motivations

Eighteen (56%) of the 32 mediators in the sample were lawyers, several of whom also did mediation, one was specifically a mediator/trainer, 10 (31%) were professionals in a variety of fields, and three were business persons.

Almost half of the respondents had two or more sources of previous training or experience in mediation. Twenty-one (67%) had taken various concentrations of JI courses, 14 (44%) had some form of training from CLE, and 13 (41%) had certificates, training or practical experience in a variety of settings other than the JI or CLE.

Nineteen (59%) said they applied to CMPP to gain practical experience in mediation. Seven (22%) specifically stated that the 10 mediations would qualify them for the B.C. Mediator Roster, and another said that CMPP would be a step to becoming a Justice Institute coach in dispute resolution. Five others emphasized their conviction that mediation and/or alternative dispute resolution was a superior process to litigation. One respondent mentioned making career changes, and another was using CMPP to clarify his/her interest in mediation. In some cases respondents fit into more than one of these categories.

In response to the question “In what way do you hope to build on the practicum experience?”, the relationship between CMPP and the B.C. Mediator Roster became even more explicit. Twenty-two (69%) said they would be applying to the roster. Seven said they hoped to shift more from litigation into mediation in their law practice. Eleven (34%) said they would like to establish themselves as mediators (nine of these were non-lawyers and one was a law student). Three wanted to work more on specific techniques. (Again, some respondents answered in more than one category.)

Mentors were asked to describe the qualities, skills and/or background of trainees who appear to have benefited most from the practicum. They did not identify specific professional backgrounds or training experiences. Rather, they emphasized two interrelated qualities. The first was emotional awareness, comprising an awareness of self, an ability to see others as human beings, an understanding of emotional dynamics in a given situation, and a capacity to recognize and set aside one’s own ego needs in a given process. The second was a willingness to learn, coupled with an intrinsic rather than purely instrumental interest in alternative dispute resolution.

4.4.2 Learning Outcomes for Mediators

Mediators were asked the most important things they’d learned from the practicum. Twelve responses involved some form of emotional awareness or connection (e.g. “connecting with parties”, “management of emotional content”, “to suspend judgement/don’t be in a rush to settle”, “to be natural”, “know the facts but be prepared to deal with feelings”, “be able to judge degree of assertiveness required”). Nine centered on the notion of confidence (in the process, in ability to achieve settlement, in own instincts).

Seven felt they’d “learned reality”, a major component of which was learning about different mediating styles, character types of parties, and situations. Three simply affirmed their appreciation of the value and feasibility of mediation.

The specific skills that mediators claimed to have learned varied considerably. They are grouped below in terms of whether they pertain to managing process, relationships, content, or both content and process, followed by the number of respondents who mentioned the item:

- managing process (26)
 - caucusing (11)
 - keeping disputants focussed and moving forward (8)
 - grasp of overall process (6)
 - building an agenda (1)
- managing relationships (21)
 - managing emotions, being aware of own emotions, building relationships (10)
 - not prejudging, using neutral language (4)
 - listening (3)

- using conversational, natural style (3)
- being non-coercive (1)

- managing content (11)
 - settling, achieving resolution (8)
 - covering all interests (2)
 - risk assessment (1)

- managing both process and content (24)
 - reframing (8)
 - summarizing (6)
 - open questioning/probing (5)
 - having a notion of what works (2)
 - other (3)

Clearly these responses reflect that the mediators feel that they have learned skills in each of three conceptual areas that are relevant to becoming a mediator with balanced skills.

The other side of learning skills is knowing where you need improvement. The evaluator analyzed for Classes I and II the relationship between the mentors' assessment of areas needing improvement (from the Mentors' Assessment Forms) and the mediators' assessment of areas needing improvement (from their end of practicum Self-Evaluation Form). The categorization of items under the headings of process, content and relationships is by no means an exact science; skills often apply to more than one category. Nonetheless, it appears that compared to their mentors, mediators in both classes gave greater emphasis to their need for improvement in managing content, less to their need for improvement in managing process, and approximately the same emphasis to their need for improvement in managing relationships.

That mediators and mentors should place a similar emphasis on relationship building and emotional understanding is positive, given that mentors, as reported in section 4.4.1 feel that mediators with this awareness tend to benefit most from the practicum. This sense of importance of relationship skills also comes across clearly in mediators' identification of the skills that have contributed most to their effectiveness as a learner in the practicum; easily the predominant response had to do with emotional understanding and people skills.

The difference in perception between mentors and mediators about whether improvement is most needed in content versus process is more difficult to interpret, but various interpretations are possible:

- that some mediators are still too focussed on the details and facts of disputes, and want to be able to "get to the bottom of the case." Mentors may feel this is an error, that in fact the underlying interests are clear enough, and that instead emphasis needs to be put on moving the case forward.

- that mediators are responding to the difficulty of completing the written agreement in the time allotted. Mentors again may feel that the time issues are best addressed through a concentration on process (principally time management) skills. (This issue has also been raised in section 4.2.10.)
- that mediators are simply more affected than mentors if a case does not settle, and therefore focus on content skills. A mentor may have more scope for assessing whether a dispute was settleable, and may not see a non-settlement as indicating a lack of content management skills.

We would see these observations as potentially of use in the orientation session or subsequent mediator meetings, as part of a discussion about where mediators might put their learning energies.

Several mentors made further distinctions about learning outcomes. When asked who benefited most from the practicum, they noted the separate paths that many lawyers on the one hand, and non-lawyers, on the other, had to travel, in order to arrive in the same place. Lawyers have been trained in isolating the details and facts of a case, and in many instances relegating emotions and personal relationships to side issues. Their training has tended to nurture assertiveness and an ability to establish a presence. Their path to greater effectiveness as mediators has been to de-emphasize facts and details, be attentive to interests and emotional dynamics, and to nurture the parties' ability to work towards a solution rather than orchestrate their own solutions. Mediators with a social or human service background were often very capable of handling the emotional and human dynamics of a mediation and establish a good working atmosphere, but have been less capable than their counterparts in moving cases along. Their path to greater effectiveness has been to acquire confidence, establish presence and an ability to take initiative at key points to move the case forward.

4.5 Other Training Outcomes

It is important to assess the practicum as a training vehicle, not only in terms of internal factors, i.e. the structure of the program, the qualities of the mentors, and the outcomes for mediators, but also in terms of external effects, i.e. whether using a mediation as a practicum impacts case outcomes or party satisfaction.

Two approaches to this question were utilized. The first, discussed in section 4.5.1, was to explore whether settlement rates were lower as the new mediators in each class began their 10 mediations, and subsequently rose as they gained more experience, or whether settlement rates remained constant or showed some other pattern throughout each class. A second approach is discussed in section 4.5.2.

4.5.1 Settlement Rates

The mediations of each class were sorted chronologically, and then divided into three equal sub-groups, again chronologically. These sub-groups thus represented the earliest, the middle and the latest mediations undertaken in that class. (Class III has not

completed its mediations, and is thus represented by only the first two sub-groups.) The settlement patterns were then calculated and are presented in Table 2.

Table 2 shows that there is no correlation between the chronological sub-groups and settlement rates. The settlement rate for class one falls and then rises over the three sub-groups; the rate in the second class rises and then falls, and the rate in the third class falls from sub-group 1 to sub-group 2. (Although not the focus of this particular question, the overall settlement rate is remarkably consistent across all three classes, even if one factors in partial, imminent and post-mediation settlements.)

The lack of pattern in these results is reinforced by subjective impressions of Class I and Class II mediators, who were asked to identify their “best” and “worst” mediations in their self-evaluation reports. Respondents in both classes identified almost identical numbers of “best” and “worst” mediations in mediations #1-4, 5-7 and 8-10. There were also fewer of both categories (“best” or “worst”) named in the first four mediations.

It can thus be asserted that the initial inexperience of the mediators in their early mediations is not prejudicial to the parties, that probably the presence of the mentors compensated for any skill deficiencies of the mediators, and helped to achieve any “achievable” results, and that factors other than mediator experience are at play in relation to settlement rates.

There are many factors which could affect settlement rates, many of which likely relate to the particular dynamics of cases and party types. While a comprehensive analysis of settlement rates is beyond the mandate of this study, it is noteworthy in the context of evaluating the CMPP as a training program, that there was a remarkable range in settlement rates when sorted by mentor. The average settlement rates (i.e. fully settled cases at mediation) for the first three mentors ranged from 60% to 75%, for the next four from 44% to 56%, and for the last four from 22% to 29%. It is important for judgements not to be driven by an exclusive focus on settlement rates, but these types of results constitute one useful entry point for increasing our understanding about the effectiveness of particular mediating and mentoring approaches of mentors.

4.5.2 Client Satisfaction

The second approach to assessing impacts of using a mediation program as a practicum is in terms of party satisfaction. We are not concerned here with party satisfaction per se, although as reported in the regular CMPP project managers’ reports, it has been consistently high, and 91% of respondents who had answered the party satisfaction questionnaire to Feb 15/99 (N=975), said they would be willing to use mediation again in another action. Rather, we are concerned with whether parties’ comments specifically about the mediators were positive or negative.

TABLE 2: Settlement Rates for Each Practicum Class, by Chronological Sub-Group

Class	Sub-Groups Ordered by Date of Mediation	Settlement Rates			Total
		Not Settled	Partial, Imminent or After Mediation**	Settled in Mediation	
I	First Third	11 (37%)	3 (10%)	16 (53%)	30 (100%)
	Second Third	14 (47%)	1 (3%)	15 (50%)	30 (100%)
	Last Third	11 (35%)	-	20 (65%)	31 (100%)
	Total Class	36 (40%)	4 (4%)	51 (56%)	91 (100%)
II	First Third	22 (44%)	1 (2%)	27 (54%)	50 (100%)
	Second Third	19 (38%)	1 (2%)	30 (60%)	50 (100%)
	Last Third	16 (32%)	7 (14%)	27 (54%)	50 (100%)
	Total Class	57 (38%)	9 (6%)	84 (56%)	150 (100%)
III	First Third	11 (37%)	2 (7%)	17 (57%)	30 (100%)
	Second Third	11 (38%)	4 (14%)	14 (48%)	29 (100%)
	Last Third*	-	-	-	-
	Total Class (to date)	22 (37%)	6 (10%)	31 (53%)	59 (100%)

* The third class is approximately two thirds through all its mediations, so the mediations to date were divided into only two groups.

** "Partial" means only some issues were settled. "Imminent" means that the mediators perceived that the matter would likely be settled by the parties after the mediation. "After Mediation" means that although the matter did not settle at mediation, it did so soon after.

There were 560 "final comments" in the 975 Questionnaires for Participants returned to Feb 15/99. Of these, 168 comments pertained specifically to the performance of the mediators. The comments were readily categorized as positive or negative. Positive comments included items such as observations about professionalism, supportiveness, impartiality, ability to ask questions that were instrumental in moving the case to resolution, knowledge, communication skills and organizational skills. Negative comments related to such items as lack of knowledge about the industry, bias, lack of preparedness, inability to keep things on track, being too "touchy feely" and lacking legal training.

Of the 168 comments, 150 (89%) were positive and 18 (11%) negative. The proportion of negative comments was higher in cases that didn't settle (13/45, 29%), than in cases that did (6/79, 7%). These results certainly do not suggest that parties felt that the mediators were unprofessional, or that one mediator (i.e. the trainee) appeared incompetent next to the other (i.e. the mentor). (A specific comment of this nature occurred only once.) Overall, the comments reflect a program in which the mediators are, to a high degree, viewed as competent professionals, and where comments are somewhat influenced by the outcomes of the mediation.

5.0 Conclusions

The CMPP has demonstrated strong success as a training program in several ways:

- *Mediator satisfaction:* despite criticisms of certain aspects, mediators in all three classes consistently rated the practicum very highly as a learning experience. Only 2 out of 32 mediators rated the practicum as low as “3” on a 5 point scale. Similarly, only two mediators in the survey had some questions about the value they received for money. The largest single reason for respondents’ satisfaction was the “real life experience” mediators gained through the program and their exposure to different mentoring styles.
- *Mentor satisfaction:* mentors also felt they grew in the program and have increased their mentoring and mediating skills
- *Ability of CMPP to adapt program in response to feedback.* Feedback about the program was increasingly positive from Class I to Class III in key areas where the project managers and mentors could make changes. The scheduling clerk has also developed an excellent database which allows program staff to analyze program trends and individual performance, and to produce information for mediators and mentors which helps with conflict checks, preparation for sessions, etc.
- *Ability of the project to maintain consistent rates of settlement and high party satisfaction while acting as a training vehicle.*

CMPP’s basic structure as a learning vehicle also appears very sound. By this we mean the combination of 10 mediations, numerous mentors, a variety of case types, involvement of both voluntary and mandatory mediation, pre-mediation consultations and post-mediation debriefs.

This said, there are a number of areas where the CMPP could focus its attention to fine tune the program. These include:

- Orientation session and mid-session training for mediators:
 - Fuller Discussions around offering and receiving constructive criticism and interventions in the mentoring process (see section 4.2.5)
 - Making the mid-practicum training session mandatory for mediators, to ensure that the topics of writing agreements and intercultural issues are attended (section 4.2.10)
- Intercultural training that creates a tighter connection between cultural attitudes and mediation practice (section 4.2.6)

- Either developing more extensive preparation procedures for co-mediations or making co-mediations optional (section 4.2.11)
- Inclusion of more detailed comments indicators in the Summary of Feedback form sent to mediators at the end of each practicum (section 4.3.8)
- Structuring of mentor information sessions to include less administrative content and more discussion of student progress and mentoring approaches (section 4.3.10)

Finally, a number of suggestions made by mentors and mediators to the evaluation interviewers were, according to the program managers, already implemented. This suggests, among other possibilities, that communication has not been completely effective. As a general orientation, CMPP may have to consider increasing attendance requirements at meetings and/or training sessions for both mediators and mentors. We have already noted that the intercultural and agreement writing training session will be mandatory as of Class V. We would also suggest that they be required, under the terms of their initial agreement with CMPP, to attend at least two of the three monthly mediator meetings. In terms of mentors, CMPP has the capacity to ensure attendance for key types of meetings in their contracts.

Appendix 1

CMPP Evaluation Objectives, Data Sources and Sample Indicators.

Objectives	Data Sources	Sample Indicators
1. To describe the evolution of training practices/ procedures over the course of the first three classes.	<ul style="list-style-type: none"> - program manager interviews - mentor interviews - board member interviews - review of forms and documentation 	Changes in: <ul style="list-style-type: none"> - content of orientation - co-mediation - debriefing - evaluation procedures
2. To determine qualities/ knowledge/ skills which are perceived to be important in mediation mentoring, and to assess how effectively they were provided in the CMPP.	<ul style="list-style-type: none"> - mentor interviews - mediator interviews - CMPP "feedback on mentoring" form (all comments) - "mediators' comments on mediation session" (Question 4) 	<ul style="list-style-type: none"> - ability to model techniques, strategies, personal styles and qualities - quality of debrief (constructive criticism) - availability to mediators - background, experience of mediator - knowledge of construction disputes - experience with mandatory referrals - how feedback provided to mentors
3. To determine the perceived benefits of the practicum for the trainees	<ul style="list-style-type: none"> - mentor interviews - mediator interviews 	<ul style="list-style-type: none"> - opportunity to practice skills in real settings - supportive/critical feedback - comparison with peers - variety of case types - experience with both mandatory and voluntary referrals - confidence - variation in mentors/styles
4. To determine qualities which are perceived to be important in trainees' being able to benefit from a practicum approach, and to assess the extent to which these qualities were present in the three classes of mediators.	<ul style="list-style-type: none"> - mentor interviews - mediator interviews - mediator application form (Q. 4 and Q. 5) 	<ul style="list-style-type: none"> - motivation/reason for participation - background of mediators (e.g., training and role-playing experience, professional experience) - openness to feedback and constructive criticism - appreciation of interest-based mediation
5. To identify structural factors which affect mentors' effectiveness.	<ul style="list-style-type: none"> - mentor interviews 	<ul style="list-style-type: none"> - scheduling - honorarium - frequency of cases - use of two sites - proportion of mandatory cases

Objectives	Data Sources	Sample Indicators
6. To identify the strengths and weaknesses of the components of the practicum model.	<ul style="list-style-type: none"> - mentor interviews - mediator interviews 	<ul style="list-style-type: none"> - orientation - multiple mentors - pre-mediation consultation - individual debrief - group debrief - staged approach (mentor-led, co-mediator, individual mediator) - two sites - number of mediations - inclusion of mandatory as well as voluntary cases
7. To identify the implications for training of voluntary <i>versus</i> mandatory referrals.	<ul style="list-style-type: none"> - mentor interviews - mediator interviews 	<ul style="list-style-type: none"> - specific content knowledge - emphasis on certain techniques (e.g., caucusing) - different style requirements
8. To identify learning outcomes of the CMPP for mediators.	<ul style="list-style-type: none"> - mentor interviews - mediator interviews - CMPP "Mentor's Assessment" form - CMPP "Mediator's Comments on Mediation Session" (Q. 2 and Q.3) - CMPP "Mediator Application Form" (Q. 5) 	<ul style="list-style-type: none"> - skills - attitudes - confidence - comparison with original expectations
9. To assess training outcomes in terms of: a. case resolution; b. participant satisfaction.	<ul style="list-style-type: none"> - CMPP "Data Collection Form" - CMPP "Results of Mediation Form" - CMPP "Questionnaire for Participants" 	<ul style="list-style-type: none"> - outcomes by: - voluntary/mandatory - type of claim - amount of claim - type of barrier - Vancouver/Surrey - satisfaction with outcome; - satisfaction with conduct of mediation; willingness to participate by: - role - degree of resolution - location - voluntary/mandatory

Appendix 2

CMPP Mentor Interview Guide

1. Background

- a) Why did you apply to be a mentor in the program?

- b) What beliefs about “effective mediation” are central to your mediation approach?

- c) What beliefs about “effective mentoring” are central to how you go about the task of mentoring?

- d) What types of skills, knowledge or experience do you possess, that you have found particularly helpful in your mentoring, i.e. that you fall back on constantly?

- e) What, if any, types of skills, knowledge or experience would you like to have – or have more of – that would make you more effective as a mentor in this program?

- f) What skills do you feel you have acquired or improved in the course of being a mentor?

2. Structure

I'm going to touch on a number of structural aspects of the practicum. I'd like you to assess how well they are currently working for you on a scale of 1-5 and any comments or recommendations for changes you might have. If relevant, your comments may also reflect whether any of these items have improved or worsened over time.

Structural Aspect	Is very problematic			Is working very well		Comments and Recommendations
	1	2	3	4	5	
a) Scheduling of mediations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b) Two hour framework for completing the mediation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c) Volume/frequency of cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d) Use of two sites	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
e) Both voluntary & mandatory cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
f) Opportunity for mentor professional training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
g) Mediator group orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
h) Inter-cultural training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
i) Pre-mediation consultation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

2. Structure (cont'd)

Structural Aspect	Is very problematic →			Is working very well		Comments and Recommendations
	1	2	3	4	5	
j) Difficulty of cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
k) Co-mediation of cases with mentors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
l) Co-mediation of cases with mediators	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
m) Use of caucusing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
n) Attendance/ participation of lawyers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
o) Development & recording of agreements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
p) Individual de-brief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
q) Mentor information sessions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
r) Degree to which you are able to follow individual student progress	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
s) Overall number of mediations per trainee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

3. Mediator Qualities

- a) Describe the qualities, skills and/or background of those trainees who appear to have benefited most from the practicum experience

- b) Why are these qualities/skills/experience particularly suited for this type of mediation process and/or training approach?

4. Mediator Benefits and Outcomes

Learning styles and outcomes will, of course, vary from trainee to trainee; however, in general:

- a) What do you feel are the main benefits of the practicum as presently constituted for the trainee?

- b) What are the disadvantages of the practicum as presently constituted for the trainee?

- c) What are the learning outcomes most frequently or typically achieved by the mediators?

- d) Are there certain learning outcomes that tend not to be achieved, that you feel could be accomplished in this or a modified framework?

5. Comments or Recommendations

Do you have comments or recommendations, not covered already, that you would like to make about any aspect of your experience or the practicum model itself?

Appendix 3

CMPP Mediator Questionnaire

	Col #	Response
Survey Code #:	1-4	_____
Practicum Group:	5	_____
1. Background		
1.1 Why did you apply to participate in the practicum program?		
1.2 What is your professional background?		
1.3 What training and/or experience have you had prior to the practicum?		
1.4 In what way, if at all, do you hope to build on the practicum experience?		
2. Strengths & Weaknesses of the practicum model		
<p>I'm going to mention a number of components or aspects of the practicum model, and would like you to assess how they have worked for you on a scale of 1 to 5, and give comments or recommendations for changes. 1 = "is/was very problematic; 5 = "worked/is working very well"</p>		
<u>Structural Aspect</u>	Rating	
2.1 scheduling of mediations	_____	6 _____
<i>comments:</i> _____		

Structural Aspect

Rating

Col #

Response

2.2 two hour framework for completing the mediation

7

comments: _____

2.3 the use of two sites

8

comments: _____

2.4 having both voluntary and mandatory cases

9

comments: _____

2.5 mediators' orientation session(s)

10

comments: _____

2.6 the intercultural training

11

comments: _____

2.7 the general level of difficulty of the cases

12

comments: _____

<u>Structural Aspect</u>	Rating	Col #	Response
2.8 the use of caucusing <i>comments:</i> _____ _____ _____	_____	13	_____
2.9 the participation of lawyers in the mediation <i>comments:</i> _____ _____ _____	_____	14	_____
2.10 the development and recording of agreements <i>comments:</i> _____ _____ _____	_____	15	_____
2.11 the co-mediation session(s) with other mediators <i>comments:</i> _____ _____ _____	_____	16	_____

3A. Role/styles of mentors

I'd like you to assess the role of the mentors in the practicum, again providing a rating on a scale of 1 to 5, and then providing comments.

1 = "is/was very problematic"; 5 = "worked/is working very well"

<u>Issue Related to Mentors</u>	<i>Rating</i>	Col #	Response
3.1 the overall number of mentors	_____	17	_____
<i>comments:</i> _____			

3.2 the degree to which mentors were able to track your progress	_____	18	_____
<i>comments:</i> _____			

3.3 pre-mediation consultation with the mentor	_____	19	_____
<i>comments:</i> _____			

3.4 the role played by the mentor during the actual mediation (PROBE: DEGREE/TIMING/UTILITY OF INTERVENTIONS)	_____	20	_____
<i>comments:</i> _____			

Issue Related to Mentors

Rating

Col #

Response

3.5 the debrief following the mediation _____

21

comments: _____

3.6 the way critical feedback was provided by the mentor _____
 (PROBE: WANT MORE/LESS?)

22

comments: _____

3.7 the summary of feedback by mentors _____

23

comments: _____

3B. In general, what type of mentor worked best for you in the practicum?
 (PROBE: STYLE, EXPERIENCE, PERSONAL QUALITIES)

4. Outcomes & Factors Involved

4.1 What were the most important things that you have learned from this practicum?

4.2 What specific mediation skills have you improved on the most?

Rating

	Col #	Response
4.3 Are there other skill areas that you did not develop as much as you had hoped to?		
4.4 Which of your personal skills, qualities or experience have contributed most to your effectiveness as a learner in the practicum?		
4.5 Overall, on a scale of 1 to 5, how would you rate the practicum as a learning experience for you? (1 = totally useless, 5 = extremely useful)	24	
<p><i>Please explain your answer:</i> _____</p> <p>_____</p> <p>_____</p>		
5. Do you have any recommendations or comments, not already covered, that you would like to make about any aspect of your experience in the practicum model itself?		