

The Evolution and Evaluation of Community Mediation: Limited Research Suggests Unlimited Progress

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Building meaningful community capacity and changing conflict patterns are the most powerful tools provided by community mediation programs. Many of the elements of true democracy are present in the work we do. I believe that if, in any given situation, there is a community and a conflict, placing everyone together in one room and working through the mediation process will result in the most equitable and elegant solution possible.

—*Scott Bradley, former executive director, Mediation Network of North Carolina*

Community mediation in the United States is the product of thirty years of inspiration, innovation, and improvisation. A broad array of players—working often in concert, but sometimes at cross purposes—have constructed a remarkable field that handles an estimated 100,000 conflicts each year (National Association for Community Mediation, 2003), primarily through the services of highly trained volunteer mediators.

While domestic community mediation builds on traditions from around the world and across many generations (Auerbach, 1983), the contemporary field is a uniquely American experience. The goals for community mediation are many, and they are lofty. With its emphases on individual self-determination, community self-reliance, and equal access to justice for all, community mediation is truly dispute resolution “of the people, by the people, and for the people.”

This article seeks to present the structure, accomplishments, and unfinished work of community mediation centers in the United States. Following an overview of the evolution of the field and consistent with the other

articles in this volume, the article is organized around the structural elements of community mediation and concludes with a discussion of the future opportunities for research, policy, and practice.

A Brief History of Community Mediation in the United States

Community mediation represents the confluence of two streams of innovation, each flowing forth from a deep well-spring of inspiration. Social trends of the 1960s and 1970s set the stage for community mediation's inception: the highly mobile and urbanizing population moved further from traditional informal dispute resolvers (extended family, clergy, long-time neighbors) and closer to anonymous strangers and insular lives; the attendant delay and high costs of the courts led to popular frustration with the functioning of the justice system; and many judges, scholars, and other observers began to question the appropriateness and effectiveness of the court case process for certain types of disputes (McGillis, 1997).

One stream was formed of a primarily governmental justice reform program in the mid-1970s, the Neighborhood Justice Centers (NJC) project, as a response to the perceived inadequacy of the courts to handle both the nature and number of cases that deluged its dockets. Chief Justice Warren E. Burger repeatedly asserted the need for "a better way" to address minor civil and criminal matters, including his address before the National Conference on the Causes of Popular Dissatisfaction with the Administration of Justice in 1976 (Burger, 1976). This conference convened a range of interested parties who reflected on the event quite differently: law professor Frank Sander described the conference as "damage control" to relieve the overburdened courts (2003), while anthropologist Laura Nader argued that the event was less about justice and more about "efficiency and harmony, or how to rid the country of confrontation and the courts of 'garbage cases'" (1992, p. 12). Proponents and practitioners of community mediation held forth against such a critique, refuting claims of "second-class justice" by emphasizing the high rates of agreement and disputant satisfaction with this "first-class process" (Christian, 1986).

The central recommendation of the conference was to establish neighborhood justice centers to "make available a variety of methods of processing disputes, including arbitration, mediation, referral to small claims courts as well as referral to courts of general jurisdiction" (McGillis and Mullen, 1977, p. 29). Six NJC programs were established on an experimental basis

over the next three years. These programs worked toward the following goals (McGillis, 1986):

- Screening cases to determine whether charges should be brought against the respondent
- Diverting cases from the court caseload
- Providing more efficient and accessible services to citizens
- Reducing case processing costs to the justice system
- Improving the image of the justice system
- Providing a more appropriate process for certain cases

The same report outlined the goals of the complementary stream, which sprung forth from a tradition of community empowerment and mobilization:

- Decentralization of control of decision making
- Development of indigenous community leadership
- Reducing community tensions

Community mediation programs designed around the latter set of goals were quite distinct from the NJCs in emphasis and direction:

Community mediation was embraced as an empowerment tool for individuals and communities to take back control over their lives from a governmental institution (the courts) that was seen not only as inefficient, but oppressive and unfair. This vision included equipping citizens to resolve their own disputes and the building of a truly alternative system that would keep many disputants from seeing the inside of a courthouse (Hedeen and Coy, 2000, p. 352).

Programs such as the Community “No-Fault” Boards in San Francisco and the Community Dispute Settlement Center in Delaware County, a suburb of Philadelphia, were designed to provide “first-resort conflict-settlement service[s] for local residents outside the perimeters of the formal legal system” (Shonholtz, 1993, p. 205). Many supporters and scholars hoped that these programs would be not only providers of mediation

services, but resources for the development of community capacity and leadership (Merry, 1982). The words of Elise Boulding (1986) reflect the inspiration for many: “Cultures are not created in the halls of parliaments and presidential palaces; they are created locally and only later drawn on nationally. Therefore the cultures of mediation and peacemaking must begin locally” (p. iv).

These movements shared the broad goals of increasing access to justice and developing appropriate processes to produce fitting resolutions, even as they held considerably different—and sometimes contradictory—hopes and motivations. While some programs may be considered primarily justice based and others community based, a majority of the centers in the field have joined together to form a national organization that seeks to support the work of all types of community mediation.

The National Association for Community Mediation (NAFCM) boasts some 321 member centers in the United States (A. Hardin, telephone conversation with the author, Oct. 22, 2003). While estimates of the number of extant centers range from 300 to 550, an exact count remains elusive; not only is there difficulty in tallying very small operations or programs that are housed under broad umbrella organizations, but there are fundamental questions of definition.

A 1991 National Institute for Dispute Resolution (NIDR) manual observed that “the major factor distinguishing . . . [community mediation] is that volunteers play a major role in delivering services” (Fn’Piere, 1991, p. 2). A more robust definition may be gleaned from NAFCM, which enumerates nine characteristics of community mediation programs. Four are considered core characteristics, and to qualify for membership as a community mediation center, programs must:

1. Be a private non-profit or public agency or program thereof, with mediators, staff, and governing/advisory board representative of the diversity of the community served.
2. Use trained community volunteers as providers of mediation services; the practice of mediation is open to all persons (volunteers are not required to have academic or professional credentials).
3. Provide direct access to the public through self referral and strive to reduce barriers to service, including physical, linguistic, cultural, programmatic, and economic [barriers]; and
4. Provide services to clients regardless of ability to pay [NAFCM Board of Directors meeting minutes, Apr. 2003].

The Structure of Community Mediation

Observers have long sought to classify community mediation programs into one taxonomy or another, beginning with Wahrhaftig's three categories in the late 1970s. He identified three types of programs: those sponsored by the justice system, those sponsored or hosted by a nonprofit, and those that were "community based" (1979). Through a 1982 nationwide survey of programs, McGillis reclassified programs into three groups: "justice-system-based, community-based, and composite" (1986, p. 20). Almost two decades later, he revised this typology, observing that "programs do not lend themselves to ready categorization, but two basic types of project structures and goals exist: government-sponsored programs and community-based programs" (1997, p. 8).

Paralleling McGillis's lines of distinction, Shonholtz (2000) described two models: the neighborhood justice center and the community mediation center. The former "serves as a diversionary channel for cases considered by justice and similar governmental institutions as more appropriate for informal, nonbinding, local dispute settlement mechanisms," while the latter is "organized around a different perception of need and a different understanding of the opportunities provided through community-based conciliation mechanisms" (2000, pp. 331–332); those opportunities include building community capacity to prevent, deescalate, and resolve conflicts among its members through the efforts of only its members.

Most recently, research on the broader field of dispute resolution has contributed two taxonomies useful in understanding community mediation. In a study of seven mediation programs in Florida, including community mediation as well as other mediation resources, researchers identified three types of relationships between mediation providers and the court system: autonomous, synergistic, and assimilative (Folger, Della Noce, and Antes, 2001). And in a study of restorative justice agencies in British Columbia, sociolegal scholars coined distinct groups organized around communitarian or governmentalist interests (Ratner and Woolford, 2003). Where the Florida study underscores the predominance of court-related functions and interests in mediation, the British Columbia study emphasizes the dynamic tension between formal and informal justice, leaving dispute resolution in an oscillating space.

The various typologies presented reflect the rich history and diversity of the community mediation field and hint at the limitations of broad generalization concerning centers or their services. Beer (1986) highlighted the

importance of and variation in program models nearly twenty years ago, and her observations hold true today:

The appearance and soundness of a house are determined by the frame and foundation which hold it together. Any program model is shared around goals and philosophy, whether or not those are consciously laid out. The form is further set by external factors such as money, location, connections with the community, and staff skills. While everyone agrees that a sound foundation of practice and purpose are basic to building a sturdy program, the young community mediation movement is still experimenting with organizational blueprints [p. 145].

With the recognition that the field continues to experiment with blueprints, I now present the structural elements and aspirations of the field of community mediation.

The Sector

The vast majority of community mediation programs are nonprofit agencies, either stand-alone centers or programs under the umbrella of a larger nonprofit social service organization, while a substantial number of programs are public agencies, typically housed within justice systems or local government operations. The NAFCM membership rolls are likely the best source of program data nationwide, and as of 2003, eight of nine member centers (89 percent) were private nonprofit organizations (or agencies of them). Public agencies, administered through city, county, or state offices, constitute the remaining 1 percent (E. H. Acerra, e-mail to the author, Oct. 24, 2003).

While the NJC programs were funded initially in large part, if not in full, through the federal Law Enforcement Assistance Administration, community mediation programs today receive very limited financial support from federal sources. Returning to the earlier question of definition, the NIDR Community Justice Task Force offered a fitting summary of the unique sector of community mediation: "Sponsorship, funding sources, and methods of case referral [differ], but the use of trained volunteers [is] the common denominator" (Fn'Piere, 1991, p. 2).

The Overall Dispute System Design

Community mediation programs may take many forms, but in most interactions with individual disputants, referral agencies, or training clients,

they are essentially outside contractors. Programs contract with a wide range of public and private organizations, including courts, law enforcement agencies, schools, and private corporations. For most individuals, the programs represent social service providers. Even for programs that function as part of governmental offices, and therefore do not appear to be outside contractors, the services delivered—usually mediation or conflict resolution training—are most often provided on a case-by-case, short-term basis.

Mediation practitioners across almost every context jealously protect their neutrality and independence (as perceived by clients), as these qualities provide mediators their credibility. To maintain the trust of a broad audience with sometimes contradictory interests, community mediation programs appreciate the value of holding an independent contractor role. Where sponsorship or affiliation may compromise a program's perceived neutrality, centers have taken steps to diversify their boards, staff, and volunteer rosters to demonstrate their commitment to impartiality.

Around the country, many community mediation centers handle disputes under federal legislation; these cases are usually channeled through related state offices. In Michigan, Nebraska, New York, North Carolina, and Oklahoma, the federal requirement of the Individuals with Disabilities Education Act of 1997 to provide mediation is fulfilled through local community mediation centers (P. Moses, telephone conversation with the author, Apr. 1, 2004). Many states also contract with community mediation programs to serve cases related to the American with Disabilities Act of 1990, the Agricultural Credit Act of 1987, and the Vocational Rehabilitation Act of 1973 (Wilkinson, 2001; Community Dispute Resolution Centers Program, 2003). Furthermore, some state mediation associations serve as intermediaries for the intake and referral of agricultural, lemon law, or manufactured homes disputes to community mediation centers (New York State Dispute Resolution Association, 2003). In these arrangements, community mediation programs are networked providers of contracted services.

A similar arrangement was employed for another national initiative, the training of AmeriCorps members between 1995 and 1999. Through an agreement with the federal Corporation for National Service, NAFCM oversaw the development of an outstanding training curriculum in communication and conflict resolution skills, and contracted with community mediation centers nationwide to deliver the training locally. Whether through national or state networks, such training arrangements realize a

tremendous opportunity for the localized implementation and delivery of programs across a broad geographical area.

Predictably, mediation services represent the bulk of most centers' activities. The types of disputes handled include minor criminal matters, civil small claims, custody and visitation issues, landlord-tenant matters, neighborhood concerns such as noise and property boundaries, school-related issues of behavior, victim-offender restorative justice efforts, interpersonal differences, and large-group concerns around public policy, environmental, and community issues. What is not readily apparent from the diversity of this caseload is that the majority of cases are not initiated by parties but rather referred through the courts.

The reliance on courts to resolve concerns was a product of many social trends. It was a project of the Department of Justice to pilot the concept of mediation for low-level civil and criminal matters. It began in 1978 and many of the centers created through the project live on. The final report on the NJC Field Test explained:

The courts have not actively sought to become the central institution for dispute resolution; rather the task has fallen to them by default as the significance and influence of other institutions has waned over the years. . . . Many of the disputes which are presently brought to the courts would have been settled in the past by the family, the church, or the informal community leadership. While the current role of these societal institutions in resolving interpersonal disputes is in doubt, many citizens take their cases to the courts [Cook, Roehl, and Sheppard, 1980, p. 2].

Through referral partnerships with community mediation centers, courts direct many cases on to mediation as a more appropriate or efficient process; this flow of cases often represents the lion's share of a center's caseload. For illustration, consider that of all cases handled by centers in recent years in Michigan and North Carolina, court referrals accounted for nearly 60 percent and over 75 percent, respectively (Community Dispute Resolution Program, 2002; Mediation Network of North Carolina, 2000). Furthermore, a national survey of NAFCM member centers found that 46 percent of the programs received at least half of their cases through the courts (including 28 percent of the membership that received at least three-quarters of their cases as court referrals; Hedeem and Acerra, 2003). This proximity has led practitioners to observe, "We haven't created an

alternative to the courts. We've become an alternative to the courtroom" (quoted in Beer, 1986, p. 206). Such close ties have led some to question whether this arrangement risks the neutrality and integrity of mediation (Hedeen and Coy, 2000), while others view this level of coordination and institutionalization as the field's greatest promise (Hedeen, 2003).

Level of Self-Determination Available to Disputants

Community mediation centers place a high priority on self-determination at every stage of conflict. Disputants retain decision-making authority with regard to attendance at mediation, the extent of their participation within mediation, and the outcome of the mediation. Where community mediation programs are operated with extensive community participation and governance, disputants have a further voice in the design of delivery of the program's services. It should be noted that anecdotal evidence demonstrates that high levels of community participation and governance are relatively rare.

Efforts to Implement and Publicize the Program and Referral Processes

The authors of a chapter on marketing community mediation open with a straightforward summation of one of the field's greatest challenges: "Mediation, ancient as a skill, is a relatively new concept as it is offered to the general public. . . . It can be ineffectual unless those in need of it are aware of its availability and understand what it is" (Hicks, Rosenthal, and Standish, 1991, p. 73). Efforts to raise public awareness have ranged from traditional media to statewide declarations of Mediation Day or Week, from door-to-door outreach to the distribution of telephone stickers and refrigerator magnets. The NAFCM Regional Training Institute module on Public Education provides examples of articles published in local newspapers and offers important counsel such as, "Don't turn down 6 A.M. interviews! Lots of people listen to them, even on Sunday mornings" (Weinstein, 2003, p. 24). Through surveys of both disputants and referrals sources, Mika's research (1997a) has found that the most powerful influence toward referring cases is a word-of-mouth recommendation.

Based on the very large proportion of cases referred through another agency or program, coordination with referral sources is critical for community mediation. Despite this fact, a study of Michigan's statewide network of programs concluded that "few written agreements or contracts exist between local programs and their referral sources that articulate

expectations, processes, and problem-solving strategies. The norm is that referral sources receive little or no feedback” (Mika, 1997a, p. 18). Prevalent efforts to educate referrers about mediation services include presentations at staff meetings or police roll calls, as well as in-service staff development training that concludes with a short plug for the mediation program. And to facilitate referrals further, many centers have developed flyers to insert with court filing materials and tear-off referral cards with one part for the disputant, one for the mediation center, and one for the police officer to track activity.

Structural Support and Institutionalization

The external structural support provided to community mediation varies greatly across the country. In some states, there exist nonprofit associations of centers, while in others there are state offices specifically designed to support community mediation, and in still other states there are both. Consider New York, which hosts both the New York State Dispute Resolution Association and the Community Dispute Resolution Centers Program of state court office of alternative dispute resolution (ADR). By legislation, the latter provides over \$6 million annually to fund community mediation program work in community and family cases in all of the state’s sixty-two counties; these funds represent approximately half of a typical center’s budget (Community Dispute Resolution Centers Program, 2003). States fund community mediation in a variety of ways, including a filing fee surcharge as in California and Michigan or a legislative appropriation, such as in North Carolina, or both, as in Nebraska. On the broader national scale, the Washington, D.C.–based National Association for Community Mediation provides technical assistance and a voice for the field in the nation’s capital. The American Bar Association Section of Dispute Resolution maintains the Community-Based and Peer Mediation Committee, and the Association for Conflict Resolution hosts the Community Section; both organizations offer community mediation–relevant sessions at their annual conferences and collaborate with NAFCM and local centers to advance the field. For many years, the National Conference on Peacemaking and Conflict Resolution has attracted a large number of community mediation practitioners, along with academics and researchers. There is also a natural connection between the Victim-Offender Mediation Association and community mediation centers that provide restorative justice services.

A crucial form of support is funding, and the funding of community mediation has led to a spirited discussion within the field and its literature.

Centers that participate in NAFCM's Regional Training Institutes are counseled to seek funding from a diversity of sources; the seven types of funds identified within the Fund Development module are individual donations, fees for services, special projects or events, community funds such as the United Way, corporate giving, foundations, and government grants (Brown, 2001). This echoes the counsel offered in a 1991 NIDR manual subtitled *Insights and Guidance from Two Decades of Practice*, which emphasized the importance of establishing viable fundraising plans and building diverse funding bases for community centers (Fn'Piere, 1991). Programs that attain a patchwork quilt of funding are often exemplars of public-private partnerships.

Many programs "have attained success by embedding themselves within a specific financial structure, such as by a single large contract with a court system or local government . . . such 'sole source' arrangements create vulnerability to the vagaries of other institutions' fortunes" (Honeyman, 1995, n.p.). Just as Honeyman identifies the financial dangers of overreliance, Hedeem and Coy (2000) highlight the possible compromises to a program's mission and direction: "When mediation programs are funded in large part by any one source, the potential for control or even undue influence that a funding agency has over aspects of the mediation program is likely to increase" (p. 356). It is worthy to note that these questions of funding are not recent developments, as nearly twenty-five years ago Wahrhaftig advised critical examination of "the political consequences of program sponsorship" (1979, n.p.) and not long after, with the benefit of careful research and observation, Davis (1986) pronounced that programmatic structure does not follow function so much as "form follows funding" (p. 35).

Sociolegal and organizational scholars have demonstrated that not only does form follow funding, but that mediation programs may adjust their practices and processes to mimic those of their primary funding and referral sources. Morrill and McKee (1993) studied the "institutional isomorphism" of a center in the Southwest, observing many points of assimilation into the culture of the court system. Their findings were consistent with those of more recent studies of organizational change within community mediation (Folger, Della Noce, and Antes, 2001; Hedeem and Coy, 2003), which have identified a tendency away from "the emphases on access, diversity, volunteerism, and change [which] represent community ownership of disputes and dispute resolution" (Hedeem 2003, p. 276), and a shift toward greater routinization and efficiency.

Due Process Protections

The community mediation process, like other forms of mediation, is sometimes described as facilitated negotiation, and as in direct negotiation, there are limited procedural safeguards for participants. At the same time, the voluntary nature of community mediation services affords disputants considerable opportunity to opt out of mediation and to initiate or continue proceedings that provide greater due process protections. It should be noted that cases involving relationships marked by severe power imbalances, including those with past violence or abuse, deserve and receive special screening and case management (Gerencser, 1995). Similarly, mediation centers bear a responsibility to ensure that participants can make full use of the mediation process; individuals without such capacity are often accompanied by and assisted in mediation by support persons: translators, counselors, attorneys, or relatives, for example (Coy and Hedeem, 1998). To the extent possible, disputants are encouraged to participate directly in mediation; thus, surrogate or proxy representation is discouraged. Given these conditions, even the staunchest proponents of community mediation recognize that this forum does not fit every fuss (Sander, 1976).

Accessibility is a hallmark of due process, and a defining characteristic of community mediation and programs is that they work tirelessly to ensure the broadest access possible to serve mediation-appropriate cases. Among the features designed to maximize the accessibility of justice are five listed in *Community Dispute Resolution Programs and Public Policy*: “(1) not charging for services, (2) not requiring lawyers, (3) holding hearings at times convenient to all parties to the dispute, including nights and weekends, (4) providing readily understandable procedures and rules, and (5) providing multilingual staffs to serve non-English speaking disputants” (McGillis, 1986, p. 87). In addition, the location of mediation matters. The Maryland Mediation and Conflict Resolution Office (MACRO, 2002) has adopted a nine-point model for community mediation in that state, including two concerning the location of services: “(3) Hold mediations in neighborhoods where disputes occur” and “(4) Schedule mediations at a time and place convenient to the participants.” One center, the Baltimore City Mediation Program, has coordinated with other services to offer mediation at over one hundred sites.

The Nature of the Intervention

Almost by definition, community mediation centers provide mediation services. Few centers, if any, provide only mediation services. The range of

services varies by center, but a national survey turns up centers providing conflict resolution and communication skills training, meeting facilitation, public policy mediation, organizational consulting including dispute system design and strategic planning, conciliation (that is, attaining a resolution through communication with both parties but without convening all parties at any time, also known as telephone mediation), arbitration, restorative justice processes such as conferencing and circles, and in Cleveland, a homeless prevention program, the Cleveland Mediation Center, which disburses rent assistance (McGillis, 1997; Wilkinson, 2001; National Association for Community Mediation, 2003).

Mediation is not a monolithic process, so some qualification of various approaches employed at community mediation centers is required. On Riskin's facilitative-to-evaluative, narrow-to-broad continua (1994), most community mediators have been trained in a facilitative, broad model of mediation. To elaborate, mediators facilitate dialogue and decision making by the parties without offering the mediator's own assessment or evaluation of the matters under negotiation; furthermore, mediators encourage parties to discuss a broad range of issues related to their conflict instead of narrowly focusing on the legal facts or facets of the dispute.

Many community mediation programs have embraced the transformative model of mediation, based on the transformative framework outlined in Bush and Folger's book, *The Promise of Mediation* (1994). This model emphasizes two important shifts that may occur in mediation: empowerment and recognition. The empowerment shift is the restoration of a disputant's confidence in self, and in turn, his or her capacity to resolve the conflict constructively; the recognition shift represents a disputant's openness and respect for the other disputant. A number of centers participate in Community Centers in Transition, a project to support programs as they shift their mediation services toward the transformative approach.

Alongside approaches to mediation intervention are questions of the interveners, specifically, How many mediators? A large proportion, perhaps a majority (figures are unavailable, but anecdotal evidence suggests this), of community mediation centers employ comediation or panel mediation models. A perceived advantage of these models is that "multiple mediators can be selected to represent the range of gender or ethnic diversity of disputants" (McGillis, 1997, p. 12). Furthermore, some models of community dispute resolution intentionally draw on a group, not just a pair, of citizens to serve as intermediaries. Prior to the recent emergence of community conferencing and circle processes as services of the formal justice system, especially in restorative justice efforts, there was the pioneering

boards model of the San Francisco Community Boards program, which typically involved between three and five panelists (not mediators; Shonholtz, 1993).

Arbitration is widely employed in the labor arena, with arbitrators provided through federal, state, or private agencies, but is conducted in only a handful of community mediation centers. Of those centers offering arbitration services, most do so in small civil claims or in specialized environments. In New York, for example, many centers handle lemon law arbitration through a contract between the New York State Dispute Resolution Association and the state attorney general's office (Community Dispute Resolution Centers Program, 2003). The hybrid practice of mediation-then-arbitration (med-arb) has been provided by a limited number of centers in the past, but its use has waned considerably (McGillis, 1997).

The facilitation of public policy and intergroup conflict appears to be an area of growth for community mediation centers. Center staff and volunteers bring years of experience and credibility to the task of facilitating public meetings, as well as specific knowledge of the local culture around conflict. Community mediation resources such as the program in Orange County, North Carolina, have created full-time staff positions for public disputes (McGillis, 1998); the center has conducted cases regarding housing shortages and the siting of landfills. And centers as far apart as New Mexico and New York City have facilitated meetings to address gang-related issues in schools and communities (McGillis, 1997). Through collaborations among centers, state offices, universities, and nonprofit organizations, an ever-increasing number of centers are developing the capacity to conduct community problem-solving initiatives. A presentation at the 2003 conference of the Association for Conflict Resolution showcased recent efforts in Maryland, North Carolina, and Virginia (Dukes, Parker, and Dunne, 2003).

A commonly overlooked service of many community mediation programs is education. Centers routinely provide educational materials and conduct outreach efforts to raise public awareness of mediation and other dispute resolution options, and many centers provide skills training in communication and conflict resolution skills in a variety of contexts. These contexts include formal educational structures such as K–12 schools and colleges, with centers heavily involved in initiatives ranging from peer mediation programs to peaceable schools efforts (see Jones, this volume), as well as informal, popular education efforts. Popular education in conflict

resolution may take the form of workshops or seminars offered to community members at low or no cost, as well as self-instructional materials like brochures, handbooks, refrigerator magnets, and even widely accessible Web pages (see Community Mediation Services, 2003).

Participation: Voluntary, Opt Out, or Mandatory

The voluntary nature of mediation is held to be fundamental, as demonstrated by the prominent placement of self-determination as the first standard in the field's most widely recognized code of ethics, the *Model Standards of Conduct for Mediators* (1995): "Self-Determination: A mediator shall recognize that mediation is based on the principle of self-determination by the parties" (p. 1). The many facets of self-determination include freedom from pressure to accept specific (or any) agreements, freedom to leave the process at any point, freedom to share information selectively, and freedom to choose whether to mediate at all. A common argument for keeping participation in mediation voluntary comes from the early days of the mediation movement: agreements reached in mediation are more durable and fitting than court decisions because the parties design them at their pleasure and discretion (Aaronson and others, 1977; Wahrhaftig, 1978). This is consistent with theories and studies of procedural justice, which demonstrate higher satisfaction with, and durability of, outcomes reached through fair processes (Thibaut and Walker, 1975; Lind and Tyler, 1988). "Volition is the key to successful outcomes—volition validates those [mediated] outcomes; compulsion does not" (Nicolau, 1995, p. 1), and therefore, "Voluntariness is vital" (Nicolau, 1986, p. 1).

Only a few years into the enterprise of community dispute resolution, McGillis (1986) recognized a continuum of coercion levels in operation: "Very low coercion—Moderate coercion—Quite high coercion—Very high coercion—Outright referral to the program" (p. 43). Referrals often take the form of a judge's recommendation or are delivered in writing, on the letterhead of the court or the prosecutor (McGillis and Mullen, 1977; Hedeon and Coy, 2000). A number of early studies found that increased coercion leads to higher rates of attendance: the initial three neighborhood justice centers employed low to moderate coercion and attained mediation sessions in 35 percent of cases, while five Florida court-sponsored programs employed "quite high" coercion and attained sessions in 56 percent of their cases, and a Minnesota project sponsored by the prosecutor employed "very high" coercion and attained sessions in 90 percent of its

cases (McGillis, 1986). Different case streams within the NJCs led to different rates of participation. In Kansas City, for example, “a mediation hearing was held in 86 percent of the cases referred by the criminal justice system where an arrest charge was involved. In those cases referred by criminal justice agents without charges pending . . . only 38 percent participated in a hearing” (Harrington, 1985, p. 121). Consistent with these earlier findings, a recent study of Baltimore’s community mediation program has found that a greater proportion of court-referred cases proceed to mediation than that of self-referred cases (Charkoudian, 2001). And a large-scale study of the caseload of New York’s network of programs found that the greater the perceived coercive power of the referring agency, the greater the likelihood of participation in mediation; however, the same study found that the greater the perceived coercive power of the referring agency, the lower the likelihood of agreement (Hedeen, 2001). Even without the benefit of the research findings presented here, Merry (1982) observed over twenty years ago, “Rates of appearance for hearings seem to vary with the coercive powers of the referral source” (p. 179).

Participation in community mediation is ultimately a choice made by disputants. The limited research on the topic, including interviews with case managers and intake staff, indicates that disputants are often motivated to attend mediation when they believe there will be negative repercussions for failure to participate. Consider the words of a case manager in New York, reflecting on years of caseloads: “I don’t know that there are any consequences [for not participating], I think there are perceptions of consequences. . . . It’s eventually going to end up back in front of the judge, so if you can say you made an effort, you won’t be hurt. . . . I think a lot of people who perceive that type of pressure participate as a pre-emptive action” (Hedeen, 2001, p. 31). The interviews further suggest that community mediation staff emphasize the voluntary nature of mediation to clients at many points of case development in an effort to maintain the disputants’ self-determination throughout the case.

Timing of the Intervention

The timing of community mediation services varies considerably, and is difficult to track. While NAFCM member centers are committed to “providing a forum for dispute resolution at the earliest stage of conflict,” the court-referral figures already presented clearly demonstrate another commitment: to provide an “alternative to the judicial system at any stage of a conflict” (National Association for Community Mediation, 2003). The

high proportion of court referrals reflects that many cases have escalated to the point of court action, even prior to reaching community mediation centers. An innovative statewide research project in Maryland is under way to collect data on the history of community mediation cases, including each conflict's length and any prior attempts toward resolution, but the results of this study are not yet available.

The Nature, Training, and Other Qualifications of the Neutrals

Davis's definition of community mediation focuses on the mediators: "Three distinguishing features of community mediation programs are (1) their use of volunteers (2) who come from all types of backgrounds and (3) who begin providing service after a relatively brief period of training" (1991, p. 206). Indeed, community mediators come from all walks of life, representing every conceivable demographic in the United States. Despite this significant diversity and the characterization of the training as relatively brief, they share a remarkable identity: community mediators are among the most trained dispute resolvers nationwide. Even a casual review of the training requirements set forth by state legislatures, courts, and centers demonstrates that community mediators' basic training, apprenticeship, and continuing education and mentorship total more hours of training than is provided to almost any other group of mediators or arbitrators (the states reviewed were Maryland, Minnesota, Nebraska, New York, and North Carolina).

The introductory mediation training length is typically between thirty and fifty hours for community mediators, and it is common for centers or other regulating bodies to require at least six hours of continuing education and the conduct of three or more cases each year. For illustration, consider the recently revised guidelines of the New York Community Dispute Resolution Centers Program. In addition to an initial training of thirty hours, new mediators are "required to mediate two structured role-plays, observe at least one mediation, mediate or co-mediate at least five cases, and mediate or co-mediate at least one case followed by either a debriefing session with staff or completing a self-evaluation form" (Community Dispute Resolution Centers Program, 2002, p. 6) and must complete six hours of continuing training each year. It should be noted that there are over two thousand active volunteer mediators in New York, with an average (mean) length of service of eight years (Community Dispute Resolution Centers Program, 2003).

Prior to even the introductory training, many centers conduct recruitment and screening efforts. Although there exist no uniform guidelines for

screening, “some important considerations to use the selection process are whether the individual is willing to make a commitment to the program and whether his or her attitude is congruent with program goals and philosophy” (Fn’Piere, 1991, p. 41). Consistent with NAFCM’s characteristics and Davis’s descriptions, these considerations do not include academic or professional credentials. Paradoxically, while these diverse volunteer mediators are among the most trained dispute resolvers in the country, many would be willing to donate more hours than they already do. In interviews with community mediators, most indicate that they are under-used, as many centers rely on a small cadre of volunteers who have both strong skills and (probably more importantly) regular, broad availability due to flexible schedules (Rogers, 1991).

The Financial or Professional Incentive Structure

Community mediators are seldom compensated for their work, although many centers provide support for transportation (for example, reimbursement for subway fare or parking costs in large cities or for mileage in rural areas). Why, then, do individuals serve as mediators? While anecdotal evidence suggests that many volunteers view community mediation as an opportunity to hone their skills or as a stepping-stone toward professional practice (note that many mediation trainings offer no opportunity for apprenticeship, leaving participants to seek out venues such as community mediation programs), the limited research on the issue emphasizes more selfless goals.

Survey research has demonstrated that most volunteers are motivated by altruism. Mediators in the surveyed population ranked “helping others” and “building the community” along with “learning new skills” as their greatest motivations (Rogers, 1991). These interests fall neatly within Harrington and Merry’s delineation (1988) of three distinct goals of community mediation: the delivery of dispute resolution services, social transformation, and personal growth and development. Building on research findings regarding intrinsically motivated behavior, Olczak, Grosch, and Duffy (1991) suggest that “mediators who enjoy mediating cases might feel less motivated if they were paid for rendering the same service” (p. 331). As a community service or as a pro bono service by some professionals, mediation provides valuable benefits to the community as well as valuable life skills to the volunteers.

Many community mediation centers provide stipends to their mediators, especially in specialized or lengthy cases. In some cities, the professionalization of mediation has created pressure on community programs

to pay mediators for service (L. Baron, telephone conversation with the author, Dec. 9, 2003). And in rural areas, where mediators often log extensive travel time, some compensation is necessary to allow volunteers to take time off work to provide mediation services.

Accomplishments: Measures of Community Mediation

The following quotation captures both the potential of community mediation and the still incomplete documentation of the field's accomplishments: "Everyone involved with community mediation in Maryland believes that it provides an affordable service that goes a lot further than easing court dockets and reducing police calls. Community mediation programs preserve relationships and yield long-lasting results. The research on community mediation programs is only beginning to document its dynamism and potential for community-wide success" (quoted in Wilkinson, 2001, p. 46).

Like the elephant and the six blind men, the impact of community mediation may be considered from many reference points. While the men, respectively, ascertained that the elephant was similar to a wall, a spear, a snake, a tree, a fan, and a rope, it is most relevant to recall the poem's concluding lines: "Though each was partly in the right/They all were in the wrong." Analogously, studies of community mediation often focus on only one or two measures of effectiveness, assessing these without addressing other dimensions or indicators of effectiveness.

We review empirical findings related to a variety of measures: the resolution rate; participants' satisfaction with the process, the mediators, and any resolution reached; perceptions of fairness; the durability of resolutions; and the cost and time efficiencies realized through the process. Readers will note the relative dearth of evaluation research, as well as the limited scope of measures employed.

Resolution Rate

Across the many contexts in which the process is employed, the most prevalent measure of mediation success is the proportion of mediations that conclude in resolutions, known as the settlement rate or agreement rate. The frequent use of this measure stems in large part from its apparent ease of measurement: Did the parties to a mediation arrive at an agreement, or did they not? "For many analysts, the ambiguities of the terms *effectiveness* and *success* have led them to categorize simply reaching a settlement with the participation of a mediator to be a successful mediation. If the overt struggle

continues, the mediation is regarded as failed” (Kriesberg, 1998, p. 242). Although this measure has been widely adopted, a consensus among researchers and practitioners is emerging that it fails to capture much of mediation’s value; this misrepresentation is perhaps nowhere greater than in community dispute resolution. Mediation may lead to improved or restored relationships, greater understanding of others’ perspectives, resolution of some (but not all) issues, and movement toward later resolution; none of these might show up on the “resolved” side the ledger. Furthermore, as methodologists have observed, “The simple achievement of an agreement . . . , while significant, can represent anything from a highly comprehensive and sensitive settlement reflecting an effort to solve the entire range of problems embedded in the dispute to an agreement by the parties regarding a marginal issue that may have some limited importance but leaves the vast bulk of the conflict unresolved” (McGillis, 1997, p. 50).

. . . These critiques notwithstanding, community mediation programs have diligently recorded their settlement rates. In a ten-year sample of some 426,000 cases handled through the statewide network of centers in New York, 80 percent of mediated cases concluded in agreement (Hedeem, 1999). The Michigan network reported agreements in 71 percent of cases that reached mediation in 2002 (Community Dispute Resolution Program, 2002), and the Nebraska statewide network of centers reported full or partial agreements in 81 percent of mediated cases (Nebraska Office of Dispute Resolution, 2003). These rates are consistent with earlier studies of community mediation, as the NJC Field Test produced an agreement rate of 82 percent for the three programs in Atlanta, Kansas City, and Los Angeles (Cook, Roehl, and Sheppard, 1980), while a study of five citizen dispute resolution projects in Florida found an agreement rate of 81 percent (Bridenback, 1979).

Satisfaction with the Mediation Process

In their work to assess litigants’ experience with and attitudes toward the trial process, social psychologists Thibaut and Walker developed a measure that has become a mainstay in the evaluation of mediation and other forms of dispute resolution: “satisfaction with the process” (1975, p. 73). Satisfaction with the mediation process is viewed as critical, as it represents the participants’ sense of procedural justice and correlates well with their compliance with the outcome (see Wissler, 2002). Studies of community mediation demonstrate high levels of satisfaction with the mediation process.

Research on the NJC programs found that 84 percent of initiating parties or complainants were satisfied with the mediation, alongside

89 percent of responding parties (Cook, Roehl, and Sheppard, 1980), while more recent statewide studies have led to similar findings. In Michigan, 84 percent of disputants indicated they would use the process again, and 88 percent would recommend the process to others (Mika, 1997a); in North Carolina, 96 percent of initiating parties reported satisfaction with the mediation process, along with 90 percent of responding parties (Clarke, Valente, and Mace, 1992). The 2002–2003 annual report on Nebraska’s statewide network presents findings from client surveys that 89 percent were satisfied with their mediation (Nebraska Office of Dispute Resolution, 2003), and the New York programs found that 95 percent of those who reached agreement and even 63 percent of those who did not reach agreement reported that “mediation was a good way to attempt to resolve this dispute” (Community Dispute Resolution Centers Program, 1999, p. 7). The NJC study went a step further, comparing the satisfaction levels of mediation participants to those of disputants in similar cases that proceeded to court. While the questions were not identical and thus direct comparisons cannot be made, a greater proportion of respondents in the mediation sample reported satisfaction. Consider the more than 80 percent figures for mediation above with the following proportions of those involved in court-resolved matters: in Atlanta, only 42 percent of participants believed their case was handled well in court, and in Kansas City only 33 percent reported the same.

Satisfaction with the Mediators

Mediators provide the critical facilitating role within the mediation session, engaging in a broad array of steps and behaviors to support the disputants in addressing the issues before them. Survey research has documented similarly high rates of satisfaction with mediators’ performance as well. In the North Carolina study, 98 percent of initiating parties and 100 percent of responding parties were satisfied with the efforts of their mediators (Clarke, Valente, and Mace, 1992), while the NJC evaluation found that 88 percent of all disputants reported satisfaction with the mediators, as compared to 64 percent of disputants in court-handled cases who reported satisfaction with the judge (Cook, Roehl, and Sheppard, 1980).

Regardless of approach or style, mediators usually employ listening skills extensively in mediation. One of the measures of procedural justice is voice, that is, the extent to which a disputant was able to relate her or his concerns and to feel heard. Researchers of community mediation services in criminal cases in Brooklyn found that 94 percent of complainants and

90 percent of defendants reported that they felt their story was heard by the mediator; in comparison, in similar cases handled by the criminal court, the study found that only 65 percent of complainants and 44 percent of defendants felt heard by the judge (Davis, Tichane, and Grayson, 1980).

Satisfaction with the Mediation Resolution

Surveys of mediation participants consistently demonstrate high levels of satisfaction with mediated outcomes. In the NJC evaluation, with its comparison to court-processed cases, 86 percent of mediation participants reported satisfaction with their agreement, while only 33 percent of individuals in court-handled cases were satisfied with their outcome (Cook, Roehl, and Sheppard, 1980). The Brooklyn study found that 73 percent of complainants and 79 percent of defendants in mediated cases were satisfied with their outcome, while only 54 percent of complainants and 67 percent of defendants in court cases were satisfied with the outcome (Davis, Tichane, and Grayson, 1980).

Fairness

The perceived fairness of mediation processes, practitioners, and outcomes speaks directly to a center's credibility and legitimacy in a community. In a comparative study of the mediation and court handling of criminal cases in Brooklyn, researchers found that a higher proportion of the mediation group found case outcomes fair (77 percent of complainants and 79 percent of respondents) compared to that of the court group (56 percent and 59 percent, respectively) (Davis, Tichane, and Grayson, 1980). The same samples reported mediators to be fair (88 percent of complainants and 89 percent of defendants) slightly more often than judges (76 percent and 86 percent, respectively). Of participants surveyed in a family mediation program, 95 percent of parents and 84 percent of children reported that they considered their agreements to be fair (Merry and Rocheleau, 1985). Focusing on perceptions of mediator fairness, a survey of mediation participants found that 99 percent of those who reached agreement and 91 percent of those who did not reach agreement reported that their mediators were fair (Community Dispute Resolution Centers Program, 1999).

Durability of Resolutions

The stability of mediated resolutions over time is a measure valuable for many reasons. First, it represents disputants' abilities to fashion a fitting solution to their differences and to comply with the terms of any agreement made.

Furthermore, it indicates that the participants will not require the intervention of the courts, police, mediation center, or other resources. The NJC evaluation study conducted interviews of disputants six months after their mediations to learn how well the agreements stood up. More than two-thirds of all disputants reported that the other participant had upheld all terms of the resolution (Cook, Roehl, and Sheppard, 1980). A similar follow-up study found that 59 percent of initiating parties and 62 percent of respondents reported long-term compliance (Pruitt and others, 1993), and the same research found that over three-quarters of all disputants reported that no subsequent problems had arisen since the mediation. In the NJC sample, only 28 percent of initiating parties and 2 percent of respondents reported new disputes with the other party (Cook, Roehl, and Sheppard, 1980). Through follow-up surveys, the Michigan programs reported a 93 “agreement compliance rate” in a recent year (Community Dispute Resolution Centers Program, 2002).

Cost Efficiency

The cost efficiency, or cost-effectiveness, of community mediation is a complex measure. A 1985 study of the Durham Dispute Settlement Center compared the average costs to local and state governments for the center’s processing of a case to those costs for court processing of the same case (Sheppard, 1985). The study arrived at an average cost of \$72 per mediated case and \$186 per court-handled case. A 2002 report prepared by the City of Portland Office for Neighborhood Improvement compiled self-reported data from fifty-seven community mediation programs, of which thirty-three were located in cities similar to Portland in size and outside Oregon, while the remaining twenty-four were within various-sized communities within Oregon. The cost-per-case figures over the aggregate sample of 47,357 cases ranged from \$50 to \$1,500, with a mean of \$274 (Office of Neighborhood Involvement, 2002). Coincidentally, while the Portland study did not include figures from any centers in New York, the state office there maintains some of the most comprehensive data in the country.

The 2002–2003 annual report from the New York Community Dispute Resolution Centers Program (CDRCP) presents cost figures on two bases: the first employs the total number of cases as the unit of measure, while the second includes only cases mediated or otherwise resolved through the center. For the 51,899 cases handled that year, the cost per case was \$131 and the cost per mediation, conciliation, or arbitration was \$239 (Community Dispute Resolution Centers Program, 2003). The

same report notes that over two thousand volunteers were active in resolving those cases, donating some 88,500 hours; while the assignment of a per-hour wage or other valuation to these services is beyond the scope of this article, it is clear that community mediation leverages considerable services on behalf of citizens and communities.

An additional measure of cost efficiency may be derived from the cost of services saved, that is, those services that were not required or delivered due to the successful resolution of concerns through mediation. Just as the research on the Durham center identified the potential court costs saved, another study has found that police referrals can lead to a decrease in return calls for service (Charkoudian, 2001), leading to direct cost savings for municipalities.

Time Efficiency

Community mediation centers achieve high efficiency in case processing time. The turnaround time between intake and disposition is a common measure of social services, reflecting an agency's responsiveness to clients. The New York CDRCP tracks the operations of the statewide network of programs, a network that handles some fifty thousand cases each year, and reported in a recent year an average case processing time of eighteen days for mediated cases that concluded in a single session (Community Dispute Resolution Centers Program, 2003). Similarly, the Michigan Community Dispute Resolution Program reported a period of twenty-four days (Community Dispute Resolution Centers Program, 2002).

These recent figures are slightly higher than those found in the NJC Field Test and an early study of programs in Florida. The Florida evaluation found the average processing time was eleven days (Bridenback, 1979) while the NJC research reported an average processing time of ten days for mediated matters and fourteen days for unresolved cases; these compared quite favorably to court processing of similar cases, which took ninety-eight days to reach trial in Atlanta and sixty-three days in Kansas City (Cook, Roehl, and Sheppard, 1980). This documented, demonstrated efficiency is among the strongest selling points for community mediation in both policy discussions and case intake conversations.

Conclusion: Challenges, Opportunities, and the Great Unknown

Reflecting on the short history of community mediation up to the late 1980s, Fee (1988) observed, "Nothing in dispute resolution has been more daring—and audacious—than the creation of scores of community

justice centers” (p. 2). That pioneers of the young field would presume a role alongside the formal justice system to resolve differences through the delivery of a “grass-roots, imperfectly understood service” was bold indeed, and yet the accomplishments detailed here demonstrate much of the field’s success over the past three decades. Research has shown that community mediation centers handle a broad array of case types in an appropriate, respectful, and cost- and time-efficient manner. However, the prevalent measures of community mediation fail to capture many of the field’s broader goals, leaving some large questions unanswered. Merry identified this gap as early as 1982, when she observed an important trend in community mediation: “Centers are restructured in order to generate large caseloads and reduce costs while evaluations stress the number of cases handled and the potential reduction of demands on the criminal and civil justice systems. . . . Other goals for neighborhood justice centers have been virtually ignored, both in the planning process and in the bulk of evaluation studies” (p. 181).

Alongside Merry’s concern about the lack of research on the community-oriented goals of community mediation, Lowry (1993) has lamented the general paucity of available research on community mediation: “There is a small and aging evaluative literature on community-justice programs. Some of it is published, but there are few recent published studies. Most evaluations remain in the ‘gray literature’: unpublished, minimally circulated papers and reports assessing the success or effectiveness of particular programs in particular settings” (p. 89). One need only consider this article’s heavy reliance on research findings from the 1970s and 1980s and a handful of states’ annual reports to appreciate the need for contemporary research on this vibrant field. This lack of up-to-date knowledge of the field affects many stakeholders, including funders and referrers who seek demonstration of the field’s impact. But perhaps the most affected group are the staff and volunteer practitioners: Without data and analysis, on what basis does the practice of community mediation improve?

Research on community mediation is required at many levels, and many scholars have offered valuable lists of research topics requiring attention (see Duffy, Grosch, and Olczak, 1991; McGillis, 1986). These topics may be organized by the level of analysis: individual, organizational, or societal. The first of these has received the bulk of research attention to date, but all require further study.

At the individual level of analysis, researchers may focus on disputants, mediators, cases, and the role of support persons. Further study

of disputants' motivations to participate in mediation (or not), of the past attempts toward resolution of a given matter, and of their perceptions of procedural justice in mediation, would provide important information for policymakers, mediation center staff and volunteers, and academics alike. Similarly, research into which mediator behaviors promote self-determination and procedural justice, facilitate appropriate agreements, and provide a safe environment for all involved would enhance the delivery of services. There are case- and process-related questions at this level too, including examination of the appropriate participation of support persons, of which cases require specialized case management or services, and of the factors contributing to the durability or stability of agreements.

Research concerning the volunteer mediator base is needed, too, as the use of volunteers is arguably the most unique quality of the community mediation enterprise. Rogers (1991) employed survey methods to glean insights from a sample of mediators about motivations and experiences, and her work opens the door to broader questions of impact at the individual and community levels. In what ways do volunteers use their skills within and outside mediation? Do they employ mediation skills in other community-building contexts?

Organizational-level research into case screening criteria and methods, referral systems and funding relationships, program accessibility, and outreach efforts will benefit the field greatly, providing the basis for informed planning and decision making, as well as enhanced services. The issue of funding is fundamental to any social service, even one that relies heavily on volunteer labor, and the need for stable and diverse funding streams is repeated through the literature on community mediation (Fn'Piere, 1991; Mika, 1997a; McGillis, 1997; Hedeem and Coy, 2000). Innovative funding arrangements may be linked to performance standards; one measure of interest to referrers and centers alike is the utilization rate of mediation in mediation-appropriate disputes. When researchers in North Carolina examined this question within the court context, they found that fewer than a quarter of mediation-eligible cases were referred to mediation (Clarke, Valente, and Mace, 1992). Greater benefits might accrue to the courts and other agencies through the development and evaluation of initiatives aimed at increasing use and decreasing case attrition between intake and mediation.

In addition, attention must be paid to organizational collaboration. For example, through work with Department of Justice-sponsored

Community-Oriented Policing Services and Weed and Seed initiatives, community mediation centers have gained service opportunities through ties to governmental agencies. The benefits and costs of such affiliations deserve careful consideration, as early critics of community mediation voiced concerns that the field may represent an extension of social control (see Abel, 1982; Hofrichter, 1987) or little more than an appendage of government (Wahrhaftig, 1979; Hedeem and Coy, 2000; Hedeem, 2003). Efforts to ensure accessibility of services deserve further attention too, as access is among the hallmarks of community mediation. Anecdotal evidence aside, there has been little documentation of program designs to enhance access and their effects. The Maryland funding model requires centers to deliver mediation in the disputants' neighborhood and at times convenient to all (Maryland Mediation and Conflict Resolution Office, 2002); the hope is that the measurable effects of such policy will be seen in coming years.

The most difficult level of research is, predictably, that which has received the least attention: the effects of community mediation on society. Does community mediation democratize justice? Does it lead to greater self-sufficiency? Research is sorely needed to measure the spillover effects of mediation and mediation programs. Does the "peace virus" hypothesis—the proposition that constructive, nonviolent behavior by some will lead to the same behavior by those with whom they interact—hold any weight with regard to community mediators? Studies in community (Henderson, 1986) and school (Crary, 1992) contexts have demonstrated partial support for the hypothesis, highlighting the need for research into social capital production through community mediation. Furthermore, what are the effects of individuals' assuming the role of "small 'm' mediator" (Beer, 1997, p. 136), providing mediation services flexibly and informally to friends, colleagues, or other disputants to whom the mediator is known?

These questions speak to community capacity building, an endeavor based largely in education. Many centers conduct training in communication and conflict resolution skills for formal education systems, ranging from preschool through law school. While the benefits of conflict resolution education in schools are well documented elsewhere in this volume (see the article by Jones), community mediation centers have a unique opportunity to enhance popular justice through processes of popular education (Freire, 1970). Development of centers' educational programming and research on its effectiveness should assist the field in plotting future directions.

The value of community mediation has been demonstrated in hundreds of communities across the United States, through the efforts of thousands of volunteers and staff members, for the benefit of hundreds of thousands of individuals. The task remains to document and analyze this value. Anecdotal evidence supports the claims of greater individual self-determination, increased community self-reliance, and enhanced access to justice, but more rigorous and comprehensive research is needed. Innovative and appropriate research methodologies—perhaps refinements of Mika’s combination of site visits, extensive interviewing, organizational audits, multiple surveys of stakeholders, and analysis of case data in his evaluation of Michigan’s programs (1997b)—can facilitate the progressive development of mediation services “of, by, and for the people.”

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