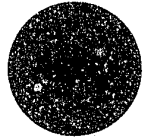


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THE MULTI-DOOR COURTHOUSE PROJECT
(Multi-Door Dispute Resolution Centers)

of the

AMERICAN BAR ASSOCIATION

Special Committee on Dispute Resolution

Phase I: Intake and Referral Assessment

Revised-Draft Final Report

by

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January 1986

(National Institute of Justice Grant No. 83-IJ-CX-0039)

NCJRS

SEP 29 1986

ACQUISITIONS

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CHAPTER 1: BACKGROUND AND DEVELOPMENT OF THE
MULTI-DOOR DISPUTE RESOLUTION PROGRAM

During the past ten years, there has been a remarkable expansion of the number of alternative processes available for resolving disputes outside the traditional court system. The types of alternative processes are as diverse as the disputes they address--across the United States we find mediation programs, court-annexed arbitration, consumer dispute resolution, divorce mediation, and landlord/tenant forums, to name just a few. The origins of many of these alternative dispute resolution mechanisms can be traced to the 1976 Conference on the Causes of Popular Dissatisfaction with the Administration of Justice, often referred to as the Pound conference.

Professor Frank Sander of Harvard spoke at the Pound Conference, encouraging the increased utilization of dispute resolution processes as a means to resolve disputes effectively and ease the growing demand on the courts. Sander proposed assigning particular cases to alternative processes or combinations of processes according to certain criteria (Sander, 1976a). Professor Sander suggested this could be accomplished by legislation, or:

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

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

In a Barrister article summarizing Sander's speech, this Dispute Resolution Center was dubbed "The Multi-Door Courthouse" (Sander, 1976b).

In 1981, the American Bar Association's (ABA) Special Committee on Dispute Resolution accepted the challenge of making Sander's vision a reality. The committee members recognized that a panoply of dispute resolution mechanisms under one courthouse roof was a long-term goal, one that perhaps could be reached by the year 2000. At present, alternative dispute resolution programs are located throughout any given city and in spite of the steadily increasing number and variety of alternative dispute resolution forums:

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

The ABA Special Committee agreed to sponsor experimental projects in three cities to help citizens receive the assistance they need, encourage the use of alternatives to court processes, and assist the justice, legal, dispute resolution, and social service communities in handling their caseloads effectively. The

primary purpose of the Multi-Door Centers in their initial phase of development is to diagnose citizen disputes and refer them to appropriate dispute resolution mechanisms. As this matching of disputes to forums is perfected as the centers gain experience, the need for new forms of dispute resolution is likely to become apparent. In time, the establishment of intake and referral services will be coupled with the development of many alternatives to litigation--leading to Sander's vision of a Multi-Door Dispute Resolution Center.

Background¹

Although the courts are the most visible dispute settlers, they are supplemented in many American cities by consumer dispute mediation and arbitration programs, ombudspersons, prosecutor's programs for criminal complaints, community agencies, and neighborhood dispute centers which handle domestic conflicts, landlord/tenant problems, and other controversies. These resolution mechanisms appear to be effective for a wide range of disputes, from consumer complaints regarding small amounts of money to conflicts involving charges of assault and battery. Such alternatives to the courts have spread rapidly across the United States in recent years. These mediation and arbitration programs have been developed to remedy major problems experienced by the courts, including delays, high costs, citizen dissatis-

¹Much of the background information has been drawn from the ABA's original proposal for the Multi-Door program and research study, which was prepared by Larry Ray, Staff Director of the ABA Special Committee on Dispute Resolution, with the assistance of Dan McGillis from Harvard Law School.

faction, and inappropriate processes for certain types of disputes. Associate Justice Sandra Day O'Connor of the United States Supreme Court advocated court alternatives in a recent speech when she noted: "The courts of this country should not be the places where the resolution of disputes begin. They should be the places where disputes end--after alternative methods of resolving disputes have been considered and tried." The American Bar Association has chronicled the growth of such alternatives to litigation. Over 300 alternative dispute resolution programs have been established since 1970, with a third sponsored by district attorney's or prosecutor's offices and a third sponsored by the court itself. Alternative dispute processing programs have been developed in every region of the nation and have received strong support from many groups including the United States Chamber of Commerce, the Conference of Chief Justices, the National Association of Counties, and many others. Chief Justice Warren Burger has been a particularly strong proponent of alternatives to the courts and has devoted substantial portions of his State of the Judiciary addresses to the topic in recent years.

The success of the effort to develop alternative means for settling disputes has led the justice system to the point where it needs to take a necessary next step--the systematic screening and referral of disputes to appropriate forums. In the past, case screening and referral functions have been largely the responsibility of prosecutors, court clerks, and police officers,

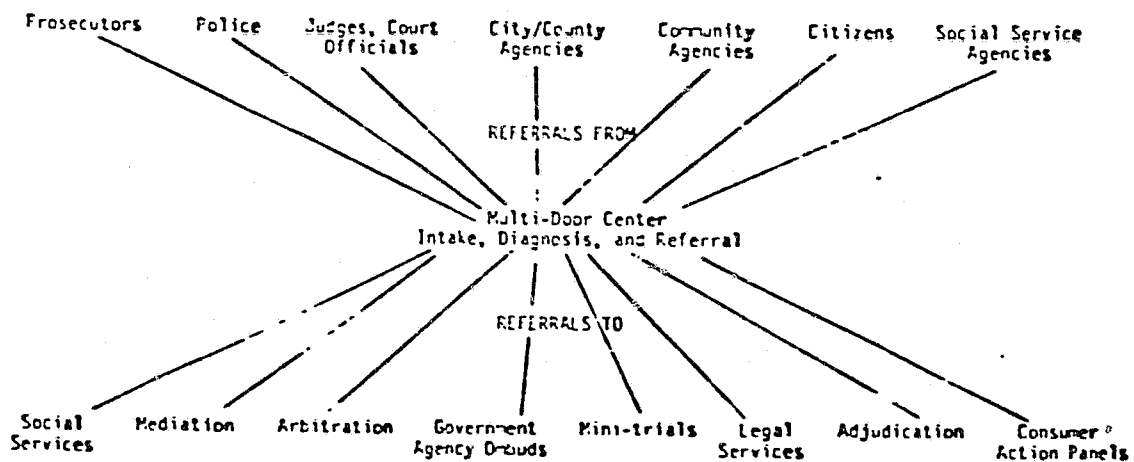
who have had few options available to them other than filing charges or not, or making an arrest or not. These practitioners do not have the time, training, or resources to keep abreast of all available resolution forums and make appropriate referrals to them. At present, most dispute processing programs tend to operate independently of one another. Most agencies tend to view initial intake of cases as a clerical function causing citizens long waits and few answers, and, at times, providing little assistance. Citizens are seldom aware of the full range of community and court services available to them, nor are they aware of which one could most effectively assist them. Citizens frequently leave frustrated and feel that they have been victimized by the bureaucratic runaround.

The Multi-Door Dispute Resolution Centers proposed by Sander could provide the answer to the current confusion by properly linking cases to appropriate forums for their settlement. The ideal model proposed for dispute resolution is a central center offering sophisticated and sensitive intake services as well as an array of dispute resolution services under one roof.

Making the Multi-Door Concept a Reality

The ABA Special Committee on Dispute Resolution proposed a three-stage developmental process for the Multi-Door Centers. Phase I was viewed as an 18-month effort to develop effective, centralized intake and referral projects for assigning disputants to existing forums; the Phase I effort is the focus of this

report. The general idea was to have trained intake counselors interview citizens with disputes, diagnose the problem(s), and refer the citizen to the most appropriate existing dispute resolution mechanism. A variety of organizations, individuals, and public education efforts would inform citizens of the intake center, where the dispute screening would take place, followed by a referral to the appropriate forum. The forums (mediation, consumer arbitration, etc.) are clearly not located under one roof, but are spread throughout communities and sponsored by the court, private organizations, the Better Business Bureau, county government, etc. The intake and referral process is depicted below.



For 18 months, three cities were to operate intake and referral processes, accompanied by research to assess the effectiveness of the matching of disputes to dispute resolution forums. During this time, ineffective dispute resolution mechanisms would be discovered, the types of disputes for which no appropriate forum exists would be identified, public awareness

of the centers would grow, and the diagnosing and matching process would be refined over time.

The second phase of the Multi-Door development is planned for the year following this initial phase concentrating on intake and referral. Phase II activities will aim to improve or develop dispute resolution forums found to be ineffective or absent during Phase I. Phase III of the program will include an independent evaluation of the Multi-Door Centers and an outreach campaign to interest other jurisdictions in adopting the concept.

Site selection. In early 1982, the ABA Special Committee on Dispute Resolution began to search for cities with the willingness and capabilities to sponsor a Multi-Door project. Their criteria for site selection were:

- 1) Active support from the judiciary, organized Bar, district attorney, law enforcement, local government, and community.
- 2) Presence of dispute resolution processes, particularly mediation, conciliation, arbitration, ombuds, consumer mechanisms, domestic violence services, housing services, and small claims processes.
- 3) Spirit of cooperation, flexibility, enthusiasm, and support.
- 4) Overall understanding of the Multi-Door concept.
- 5) Long and short-term funding.
- 6) Availability of facilities, experienced staff, and willing sponsors.

Members of the Special Committee suggested potential sites based on their knowledge and involvement with many local courts and dispute resolution programs, and the news of the ABA's plans spread by word-of-mouth through the still relatively small and

cohesive dispute resolution community. About ten cities were seriously considered as Multi-Door sites, and key individuals were contacted by the ABA Special Committee. Informal applications in the form of letters of support, outlines of plans, etc., were submitted to the Special Committee from those interested. The Special Committee sent questionnaires to appropriate officials in the potential sites, asking for information based on the selection criteria listed above.

About half of the potential sites were visited by the staff Director to the Special Committee and an ABA consultant. Brief meetings were held with proposed sponsors, judges, court officials, members of the local Bar Association, public attorneys, dispute resolution program directors, and others, to gauge the support for a Multi-Door center and explore its practical operations.

The three final sites were selected by the Special Committee in early 1983. They were Tulsa, Oklahoma; Houston, Texas; and the District of Columbia. The development and implementation of each center will be discussed in the next chapters, so only an overview of their sponsors and structures will be provided here.

Tulsa. The Tulsa Multi-Door program was originally sponsored by the Municipal Court of the City of Tulsa, but was transferred to the Tulsa County Bar Association during the first year. The program developers were the same individuals who created Early Settlement, a court-based mediation program.

Intake services for the Multi-Door program--known in Tulsa as Citizen's Complaint Centers--were placed in the municipal courthouse, Better Business Bureau (BBB), a local television station in conjunction with an action line, and the Bar Association. Alternative dispute resolution forums include Early Settlement, the BBB's automotive arbitration program, and Lawyer Referral Service.

Houston. The Houston Multi-Door program is sponsored by the Houston Bar Association. It was developed by key Neighborhood Justice Center staff (the NJC is Houston's major mediation program) staff and Board members. Intake and referral services have been initiated at the District Attorney's Intake Division, the NJC, two community centers, the city prosecutor's office and the court of the chief Justice of the Peace. Dispute resolution doors include the NJC, BBB, Justices of the Peace, Mayor's ombuds-type program, legal services, and others.

District of Columbia. The D.C. Multi-Door Dispute Resolution Center is sponsored by the D.C. Superior Court. It was developed by a court division director with assistance from the Chief Judge, the presiding judge of the family division, and the D.C. Bar. Current intake points are a newly created office within the courthouse and the Lawyer Referral and Information Service (LRIS) of the D.C. Bar. There are many alternatives available in the D.C. area, including the D.C. Mediation Service, LRIS, a voluntary arbitration program, university-based legal clinics, consumer action panels, consumer agencies, and others.

The D.C. Multi-Door program has opened a small claims mediation service as part of the Phase I project, and is in the process of developing a domestic relations mediation program.

Objectives

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

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

Fund Raising

The Multi-Door program is viewed by the ABA as a partnership between the ABA and the local sponsors. The ABA's Resource and Development Office (RDO) took a lead role in national fund raising and worked with site representatives to raise funds locally from private and public sources. The fund-raising drive for Phase I was very successful--by mid-1984, \$1.1 million had been raised.

Support came from:

National Institute of Justice (for research and technical assistance)	\$ 223,000
Culpeper Foundation	200,000
Hewlett Foundation	250,000
Meyer Foundation (specifically for D.C.)	25,000
National Institute for Dispute Resolution	50,000
Raised locally in Tulsa (from Bar Associations, businesses, etc.)	100,000
Legislated funds in Houston	175,000

Research Component

The Institute for Social Analysis was selected by the ABA to conduct an assessment study of Phase I of the Multi-Door Centers. The primary emphasis of the study is to assess the process and outcome of the intake and screening procedures, to test if dispute cases are in fact referred to appropriate dispute resolution forums in the community. A central goal in the research is to improve and refine the matching process to identify which characteristics of disputes make certain resolution processes more appropriate than others. This analysis of which "forum fits the fuss" is applicable well beyond the Multi-Door program. This study is also designed to identify deficiencies in existing dispute resolution mechanism and gaps where services are needed.

The research was planned as an integral part of the Multi-Door program. Information and results of the research have been discussed with the program staff to keep them aware of the effects of their Centers' operation and improve procedures over time.

The primary tasks of the research component as originally envisioned were:

- 1) A thorough documentation of the Centers' caseloads and procedures, necessary for the development of a manual for possible program replication as well as for an understanding of how the Centers actually function.
- 2) The tracking of cases from the intake point through the referral process to their final disposition. An important element of the case tracking is to assess and refine the screening process and test its effectiveness in matching disputes to appropriate forums. The essence of the Centers revolves around effective screening leading to a diagnosis or classification of the citizen complaint and an appropriate referral; refining this process and developing objective screening criteria is a central objective of the research.
- 3) A limited descriptive study of each alternative dispute resolution mechanism, to document the case handling and resolution processes.
- 4) A follow-up study of the cases handled by the Centers, through interviews with disputants to assess their satisfaction with the Center services and the effectiveness of the referral and screening process in resolving the dispute.
- 5) A follow-up study conducted with the referral agencies, to assess their satisfaction with the Center services and the impact of the referrals on the agency, its services and caseload.
- 6) A random community survey conducted after the Center's implementation, to assess citizen awareness of the range of dispute resolution options available and to tap their knowledge of the existence and services of the Centers. (This task has been postponed until later in the Centers' evolution).

Overview of this report. This report describes the development of the Multi-Door program, concentrating on the activities in the three sites that led to the implementation of the local programs. The local implementation events, program operations, and caseloads are also described. Much of this information was

drawn directly from an unpublished preliminary report written by ISA in spring of 1985.

The central contribution of this final report is the presentation and analysis of the follow-up results, which provide data on the matching of disputes to appropriate forums and identify missing and ineffective doors. The final chapter is one of discussion and summary, which raises and discusses central issues and implications of the program and outlines the advantages and disadvantages of major program options.

The report is intended to serve the needs of a wide audience, including interested practitioners, policy-makers, court officials, researchers, and those considering the development of a Multi-Door program. The matching of disputes to resolution forums should prove useful to a variety of intake and screening operations, including those found in district attorney and other court offices and mediation programs.

CHAPTER 2: DEVELOPMENT AND IMPLEMENTATION

The development and implementation activities for the Multi-Door programs in Tulsa, Houston, and D.C. are described in this chapter. Developmental activities include soliciting support for the program, encouraging involvement in its implementation and operations, program planning, proposal writing, and other preparations. The implementation processes include the identification and placement of intake services, staffing training, public education, and other key program events and components.

The ABA's role in development, implementation, and program direction is summarized toward the end of the chapter. The ABA was responsible for making the Multi-Door concept a reality, yet held the reins loosely at the local level. The ABA staff and Special Committee offered substantial assistance and program direction in a variety of areas, but left decisions regarding program implementation and operations in the hands of the local staff and sponsors. No program model was developed beyond that suggested in Sander's original writings--the three sites developed their centers without any generally accepted notions of what such a program model should look like in terms of sponsor, intake points, referral procedures, and other organizational and programmatic aspects. Thus, three sites were implemented as the local developers saw fit, and represent three variations on the Multi-Door concept. This variety has its advantages and its drawbacks--the sometimes dramatic differences from site to site provide the field with a wealth of information about various

ways to approach the Multi-Door concept, yet the complexity of the programs inhibits the development of a coherent picture of the program. We have tried to organize the information presented here and in the following two chapters in a common manner, so that program differences can be readily seen and contrasted.

The staggered starts of the programs were due primarily to problems in conceptual development, the availability of funds, staffing, and other local considerations. Tulsa began intake services in April 1984, Houston in December 1984, and D.C. in January 1985. Our data collection extended roughly through June 1985, and thus presents the three programs at different stages in their development.

Tulsa's Multi-Door Program

Developmental Events

The creation of the Tulsa Multi-Door program is largely attributable to the efforts of one person, the current director, who was the court administrator for the Municipal Court of the City of Tulsa at the start of the Multi-Door program planning process. Under his leadership, the Municipal Court had created Early Settlement (E.S.), a mediation program for minor criminal and civil disputes. ABA Special Committee staff had been involved with the creation of Early Settlement and had conducted several training sessions for mediators in cooperation with an Oklahoma State University (OSU) professor. It was through this personal and professional connection that individuals in Tulsa learned of the ABA's plans for conducting a national demonstration of the Multi-Door Courthouse.

In mid to late 1982, the program director began to develop support for the Multi-Door program. Letters and meetings were held with the Oklahoma Bar Association, the Trial Lawyers Association, Federal and District Court judges, the Municipal Court judges and prosecutors, and the Chamber of Commerce. The purpose of these contacts was to introduce individuals to the Multi-Door program and solicit their support for it. The ABA, as discussed earlier, sent materials to these individuals asking about the feasibility and support for a Multi-Door Center in Tulsa. In the main, these groups were very supportive. According to the program director, the only concerns were raised by the Bar Associations who were concerned about protection of citizen rights as well as competition and protecting the legal profession (the latter, primarily). These concerns appeared to be raised by young lawyers, interestingly, and it was felt that the sponsorship of the ABA helped to quiet their concerns.

During these initial discussions with key people in Tulsa, questions were raised about the source of funds for supporting the Multi-Door concept. A corporate approach to fund raising was adopted and a search was made for a local person (a "Godfather champion") to head the fund-raising effort. Two well-known and respected retired attorneys subsequently became involved in the Multi-Door program and were instrumental in raising nearly \$100,000 locally for the Tulsa project.

The Tulsa proposal was written by the program director, with assistance from an OSU professor. It was submitted to the Special Committee on Dispute Resolution in early 1983, and Tulsa

soon received word that they had been selected as a pilot project.

Sponsorship. The City of Tulsa, through the Municipal Court, was the original sponsor of the Tulsa program. The Municipal Court provided a wealth of in-kind contributions in addition to staff time. All bookkeeping and administrative services were provided as well as an intake office and all furnishings, copying machines, telephones, etc. The decision to place the Multi-Door program in the Municipal Court appeared to be due to several reasons, the primary one being the leadership of the court administrator and his active involvement in dispute resolution. It was thought to be a good place to be politically, since there were hopes that the city would provide continued funding. The Municipal Court was also viewed as a central place where citizens were accustomed to registering complaints or disputes. During the program's first year, the sponsorship was transferred to the Tulsa County Bar Association (see "Significant Program Events" later in this chapter).

Fund raising. Serious fund raising began in early 1983. A fund-raising letter was sent to local foundations, major companies, law firms, bar associations, and other potential funding sources. The letters were accompanied by personal visits to answer questions and encourage funding. This initial drive raised approximately \$75,000 from local groups and additional fund-raising efforts brought in another \$25,000.

Program name. The Tulsa program staff felt that the term "Multi-Door Dispute Resolution Center" was an unfamiliar and

potentially confusing phrase for citizens. The program staff desired a name which would be readily identifiable by citizens and describe the program's purview more accurately. A decision was subsequently made to call the program the "Tulsa Citizens Complaint Center." It is under this name that the Multi-Door program currently operates in Tulsa.

Advisory Board. In the original proposal, an advisory board was planned for the program. This advisory board would be established by the mayor and city commissioners and would include representatives from the Bar, the legislature, industry, and law enforcement. This board never materialized and was not seen as necessary. The program has run independently under both the City and Bar sponsorship; the program director is in charge of all aspects of the program and does not formally report to anyone.

Implementation Activities

The implementation of the program, particularly in terms of specifying objectives and designating intake points, began in fall of 1983. The philosophy of the Tulsa program, at least as expressed by the program director, is first and foremost to help citizens. Emphasis was placed on connecting people to appropriate resources, educating them about those resources, and teaching citizens that they do not have to go to the government or the courts for the resolution of their disputes. There was a desire to coordinate the functions of dispute resolution agencies and end the duplication and proliferation of services. The Tulsa program developers also wanted to have strong public and private

sponsorship of the program, bringing together the business community, the legal community, and the people themselves.

Identification of intake points. From the beginning, the Tulsa program was decentralized. A number of intake points were considered, all points at which citizens currently register complaints and where there appeared to be a need for sophisticated intake services. Among the intake points that were considered, but not subsequently implemented, were Small Claims Court, the Urban League, a community action center, and outlying police precincts. The reasons for not implementing those points varied. The Urban League was interested in serving as an intake point, but required substantial overhead monies. A community action center in North Tulsa was pilot-tested for a short period of time. Intake staff from Early Settlement spent a month there and determined that there were too few citizens coming in for the center to serve as an intake point. The police precincts posed logistical problems since they were in the process of building satellite offices. Finally, the Small Claims Court calendar showed that, surprisingly, the vast majority (upwards of 90%) of cases were filed by businesses against individuals.

The development of the final intake points occurred in conjunction with the recruitment and training of staff. The first intake points became the Municipal Court, an action line at a local television station, and the Better Business Bureau. The latter two were also pilot-tested for a short time, with E.S. volunteers serving as intake workers. The intake points are quite different from each other.

A brand new office was opened in the Municipal Court to serve as the central intake point for the Citizens Complaint Center. This office, now called the Police/Prosecutor Complaint Office, also serves as an intake and screening point for the Municipal Court prosecutor. Police officers and court clerks frequently tell citizens desiring to "file charges" or register complaints to go to this complaint office within the Municipal Court.

Providing intake services at the television action line, called the "Troubleshooter", developed as a way to serve the substantial number of citizens who call and write the program with disputes. The Troubleshooter approach is similar to the media action lines found in many cities--disputes are investigated by a reporter and a short report about the dispute and its resolution (or non-resolution) is aired during the evening news. The Tulsa Troubleshooter program found that whenever a report was aired (for example, reporting on a fraudulent swimming pool contractor) that many citizens with similar as well as other types of disputes called the program looking for help. An intake specialist was placed there to handle those disputes and enable those citizens to receive help from other resources.

The Better Business Bureau provided the Tulsa program with a unique opportunity. The Council of Better Business Bureaus (the umbrella headquarters office for all BBB's) has a national contract with four major automobile manufacturers to provide arbitration services for certain warranty problems. In 1983, the Tulsa Better Business Bureau had not implemented this automotive

arbitration program and was under heavy criticism from the public as well as the State Attorney General's Office. The program director offered to help run the arbitration program for the Bureau, and in return, the Bureau agreed to house an intake specialist to assist citizens with consumer complaints.

A fourth intake point was opened at the Tulsa County Bar Association after the program was transferred to the Bar Association in late 1984.

Staffing. The intake specialists were recruited and hired as city employees with all appropriate benefits. In February 1984, a three-day training session was held for the newly hired staff and several volunteers to train them in the intake referral processes. Two days of training were conducted by the American Bar Association with the assistance of the Complaint Center staff. These days were spent covering the intake process, concentrating on the six stages of intake (additional information on the training is included in the next chapter). A third day of training was conducted by a local Helpline and concentrated on acquainting the intake specialists with the wide range of resources available throughout the City of Tulsa. This Helpline group had produced a comprehensive resource book called "The Blue Book", listing all legal and social service agencies in the city, their case criteria, hours of operation, etc.

The evaluation of the training indicated that the intake specialists generally thought it was very good. They wanted more time for practicing the intake interview through role plays, and for learning more about resources throughout the City. This

three-day training was followed by a month's on-the-job training. The intake specialists were assigned to the three intake points and began to learn more about the types of referral agencies they would be using. This information was given to them by the program director and his court staff as well as through visits to the agencies themselves.

As new intake specialists have been hired due to staff turnover, they are trained by existing staff and spend time observing intakes before they are placed in an intake point. The ABA staff have also conducted follow-up training sessions in which new personnel participated.

Community outreach and public education. The other major implementation event was community outreach and public education which, in Tulsa, was more than an implementation activity; these activities have been continuous. The primary goal of the outreach effort was to educate citizens and the legal and business communities about the existence and purpose of the Multi-Door program. Outreach was conducted through presentations to local groups such as Kiwanis and Lion's Club, letters to all attorneys who were members of the Bar Association, meetings with police lieutenants and officers at roll call, meetings with Bar Association members, and meetings with a wide variety of civic groups. Public service announcements were filmed by the television station of the Troubleshooter program and were aired periodically by that station. Contacts were made with the directors of many programs to explain the Multi-Door concept, and fact sheets describing the purpose, case criteria, locations, and

phone numbers of the Complaint Centers were sent to local organizations. A billboard was completed with the slogan "Turn to us when you don't know where to turn" to advertise the Complaint Center. The program director also hired a public relations firm to coordinate and conduct some of the public education activities. The public relations firm has suggested and implemented many activities including advertisements in the newspaper, speaking engagements, public service announcements on radio and television, and articles about the Citizens Complaint Center in the various newspapers.

With these implementation activities completed or well underway, intake interviews began in early April 1984. The actual operation of the Complaint Center--its caseload, the referral agencies used, and the intake process itself--will be fully described in the next chapter. Significant events that occurred during the program's first operational year are briefly discussed below.

Significant Program Events

Transfer of program sponsorship. The American Bar Association decided to cancel its contract with the city and transfer the entire program to the Tulsa County Bar Association. It was thought that the Bar Association would offer a great deal of support and be a neutral sponsor, desirable since several courts in addition to Municipal Court were becoming involved in the program. The city did not object to this and the contract was mutually terminated. Several meetings were held with appropriate people within the Bar Association. The Bar Association was very

willing to sponsor the program as long as no costs or program responsibilities were transferred to them. The court administrator was quickly hired by the Bar Association to direct the Multi-Door program under their auspices. The Bar Association has also provided substantial in-kind contributions to the program operations. The Bar Association's office houses the program director as well as a fourth intake specialist. The Municipal Court prosecutor remains supportive of the program, and the complaint office within the Municipal Courthouse continues to operate.

Staff turnover. There has been considerable staff turnover in the Tulsa program, but its causes seem unrelated to the program itself (with the exception, perhaps, of fairly low salaries). Several intake specialists resigned for personal and employment reasons and were quickly replaced with individuals who participated in the initial training. All turnover has occurred at the courthouse intake office; the BBB, Troubleshooter, and Bar Association staff have not changed.

The program director's leadership has been strong and stable throughout the operational period. One intake specialist has graduated from law school and has been appointed the Director of Early Settlement. Another original intake specialist stationed at the BBB now runs the automotive arbitration program full-time; a different Multi-Door staff person handles all intake there. The arbitration program represents a new "door" for handling automotive complaints.

The grand opening. In early November of 1984, ceremonies were held in Tulsa to announce and celebrate the opening of the Multi-Door Program. This event was used as an opportunity to advertise the program's services and to encourage the involvement of the business and legal communities. Substantial media coverage of the Multi-Door program was generated. The top echelon of the American Bar Association attended the opening, including the president and the president-elect. The Grand Opening ceremonies included a well-attended luncheon for the Tulsa County Bar Association, a press conference held in the Bar Association, tours of the intake points, and a reception.

The District of Columbia

Multi-Door Dispute Resolution Program

Developmental Events

The District of Columbia was suggested as a potential site for the Multi-Door program by a member of the ABA Special Committee on Dispute Resolution. In mid-1982, the Multi-Door program was discussed with Chief Judge of the Superior Court, the presiding judge of the Family Division, the Executive Director of the D.C. Bar, and representatives of the local prosecutor's office. Both the intake emphasis and the opening of new dispute resolution mechanisms were appealing to the D.C. Superior Court. In September of 1982, the Chief Judge wrote a letter to the Special Committee, expressing interest in serving as a site for the Multi-Door program. The development tasks were turned over to the court's director of the Division of Research, Evaluation, and Special Projects, who assumed the staff responsibility for

the development of the program and later became the Multi-Door program director. In late 1982, the Chief Judge convened a meeting of dispute resolution program staff, community representatives, Bar Associations, and other key groups. By December of 1982, an initial proposal summarizing the D.C. Superior Court's approach to the Multi-Door project had been prepared.

From the beginning, the D.C. Superior Court wanted to develop both the intake services and several new dispute resolution doors in the first 18 months of the project. The earliest proposal identified six areas in which alternatives were needed: domestic relations, small claims, certain civil cases, interpersonal and minor criminal cases, landlord/tenant disputes, and status offenders and delinquency cases. It was thought that these areas could be most helped by mediation or other alternative dispute resolution mechanisms. This list of six areas was quickly pared down to two areas, small claims and domestic relations cases, as proposal development proceeded.

Three intake points were also proposed in the initial document. The Superior Courthouse was viewed as the central intake point, in line with the Multi-Door concept. The Lawyer Referral and Information Service was also seen as an obvious intake point, since 75% of its high caseload were citizens not needing a referral to an attorney. Finally, the Citizens Complaint Center, with its high caseload, visibility in the community, strong mediation service, and intake processes in need of improvement, was a third proposed intake point.

In early 1983, the American Bar Association announced the selection of D.C. as a Multi-Door site. The Chief Judge promptly held a press conference in which the new intake services and the two new mediation services were announced to the public. For at least a year, the Superior Court and the ABA negotiated over the form of the D.C. Multi-Door proposal. The ABA's desire was to concentrate on the intake/referral process for the first phase of the program and not open the two new mediation services that the Court thought were very important. In mid-1984, they agreed to phase in the intake points and the two new mediation doors during the first 18 months of the project.

The court's director of the Division of Research, Evaluation, and Special Projects, the Chief Judge and presiding judge of the family court, and representatives from the Bar continued to work on the development and planning of the program throughout mid-1984. The Chief Judge's 1982 meeting with representatives from the City Council, the community, the Bar, and the Board of Trade constituted the earliest contact between the program and outside representatives. The D.C. Superior Court was unwilling to begin implementing the program until they were guaranteed at least one year's worth of funding support. Through grants made by the Culpepper Foundation and the Meyer Foundation, that funding was secured and the ABA and the Superior Court negotiated a contract in August 1984. The implementation of the program began immediately thereafter.

Sponsorship. The D.C. Superior Court is the sponsor of the D.C. Multi-Door Dispute Resolution Program, the official name of

the program. The Superior Court provides substantial support to the program. A major contribution is that the director's time is covered by the Court, plus time devoted to the Multi-Door program by her staff. The Court completely renovated and furnished the Intake Center within the courthouse and provided rooms for small claims mediation. In addition to staff time, office space, and office furnishings, bookkeeping and telephone services are provided by the D.C. Superior Court. In short, the Superior Court has been a very gracious host to the Multi-Door program.

Fund raising. The Executive Director of the D.C. Bar coordinated the local fund-raising efforts. A fund-raising proposal was developed with the help of the ABA Resource and Development Office. The D.C. Bar appointed a committee to help approach local foundations and corporations. A distinguished member of the Bar was instrumental in obtaining support from the Meyer Foundation in the amount of \$25,000. At present, a portion of the program's operating funds are included in the court's 1986 budget under review by Congress.

Program name. The D.C. program is using the title "Multi-Door Dispute Resolution Program" to encompass all its services. The Intake Center and Small Claims Mediation Service are the first two components of the program.

Advisory Board. A large Advisory Committee has been formed for the Multi-Door Program and will meet three times a year or as needed. Committee members will provide assistance and guidance informally, and several individuals have been helpful in fund raising and publicity. The Advisory Committee includes several

very important representatives from the legal, criminal justice, and business communities. Included are local attorneys, the Chairman of the D.C. City Council, the Chief Judge of the Superior Court, the presiding judge of the family division, the president of the Woman's Bar Association, president of the Hispanic Bar Association, president of the Bar Association of the District of Columbia, president of the Washington Bar Association, director of the Office of Planning and Program Evaluation in the Mayor's Office, a Chief Judge of the D.C. Court of Appeals, an executive of the Washington Post, and the Executive Director of the United Planning Organization. A member of the ABA Special Committee on Dispute Resolution also serves on the D.C. Advisory Committee.

Implementation Activities

The signing of the contract was followed immediately by the initiation of the project. The director of the Division of Research, Evaluation and Special Projects became the formal program director at half-time. The earliest implementation tasks were the preparation of two important documents. The first was a working paper which outlined all the procedures to be followed within the Multi-Door Program and included forms to be used for intake, referral, and mediation services. The working paper, called "An Implementation Plan for the Multi-Door Dispute Resolution Program," is an impressive document. It clarifies all staff responsibilities, intake procedures at the Court, intake forms and recordkeeping, intake at the Lawyer Referral and Information Service, procedures for small claims mediation, and

procedures for referrals to community dispute resolution programs and social service agencies. Two parts of the program, intake at the Citizens Complaint Center and the Domestic Relations Mediation Service, have been postponed until later in the first phase of the program and were not described in the working paper. The working paper outlined intake and referral procedures to increase the citizen's follow-up on a referral and to provide feedback to the program.

The second important document prepared was a Referral Manual to be used by intake workers. The Referral Manual includes important information (hours, case criteria, contact people, etc.) of all dispute resolution, legal assistance, and social service agencies available in the District of Columbia. To begin compiling the resources, lists of appropriate agencies were obtained from the Lawyer Referral and Information Service, the Superior Court, and the D.C. Bar. Each agency was called by the Multi-Door program staff to confirm and update the information, and was asked to identify other agencies offering services in dispute resolution, legal assistance, and social services. The final Referral Manual is a very large document--the size of a major metropolitan area's Yellow Pages telephone book--contained in a three-ring binder, allowing for frequent updates of the material. Two indexes, one by subject and one alphabetical, guide the intake specialists in the use of the Referral Manual.

Intake Points. The primary intake point is the D.C. Multi-Door Dispute Resolution Program's Intake Center located in a well-trafficked area of the D.C. Superior Courthouse

en route to the cafeteria. The new Intake Center was renovated, turning it from a large, empty room into a room with six or seven small intake cubicles plus a reception/waiting area. No telephone intake is conducted--all citizens are asked to come and meet personally with an intake specialist.

The second intake point is the Lawyer Referral and Information Service of the D.C. Bar. Virtually all intakes are done by phone, although walk-in hours are scheduled several times a week. LRIS is considering all citizens referred to agencies designated as dispute resolution agencies in the Referral Manual as Multi-Door cases.

Recently, intake specialists have also been placed at the small claims intake office. A sign there directs all complainants desiring to file new cases to the Multi-Door intake specialist. Non-day-of-trial mediations may be scheduled then, or the case may go on the court docket, in which case the disputants may participate in a day-of-trial mediation.

Staffing. The Multi-Door Program is headed by the half-time program director, who oversees the day-to-day operation of the program. She is responsible for policy making, program planning and development, liaison to the Advisory Board, development of dispute resolution mechanisms, and meeting ABA contract requirements. A full-time deputy director assists the Director in administration, with special responsibility for overseeing the alternative programs run by the court, report preparation, and the handling of special project assignments. The director and deputy director are assisted by a full-time secretary. These

three staff have offices in Building A of the D.C. Superior Court, across the street from the D.C. Superior Courthouse; the deputy director spends half her time in the courthouse overseeing operations. The central intake point within the Superior Courthouse is currently staffed by three full-time and ten volunteers. A Legal Intake Supervisor oversees all intake activities, assisted by Legal Intake and Referral Assistants. A dispute resolution specialist was hired to oversee the scheduling of the court-based mediation services. Ten volunteers were recruited to serve as intake specialists and have promised to devote one regular day per week to the intake function.

The LRIS intake specialists are not paid through the Multi-Door budget. They attended the training and have increased their alternative dispute resolution referrals with the help of the Referral Manual.

Training of the intake staff was initially scheduled for November of 1984 and was delayed while staff were recruited and hired. The training was held in mid-January 1985 and consisted of a one-week formal training period. Two days of intake training were provided by the Lawyer Referral and Information Service and the American Bar Association. This training was attended by all Multi-Door staff, program volunteers, interns, and staff from both LRIS and the Citizens Complaint Center. The LRIS trainers, assisted by Multi-Door staff, provided the trainees with information on: 1) the Multi-Door program, 2) the role of the intake center including its relationship with LRIS and the Citizen Complaint Center, 3) referral skill development,

4) discussions of individual dispute resolution programs, 5) an overview of the legal system and the criminal justice system, 6) an overview of the D.C. Superior Court, and 7) an overview of LRIS and the Citizens Complaint Center. The American Bar Association staff concentrated on the processes and procedures of the intake and referral interview, paralleling the training that the ABA provided in Tulsa and Houston. After the formal days of training, the intake specialists spent time role-playing various intake situations and learning more about the procedures and resources of the Multi-Door program.

Community outreach and public education. Community outreach and public education are ongoing activities of the D.C. Multi-Door Resolution Program. The primary approaches are the distribution of flyers, contacts with local resource agencies, and media coverage. Attractive flyers were printed for the Multi-Door program in both English and Spanish and sent to City Council members, community groups, social service agencies, and other important resources. The flyers are also available at places within the courthouse, including Small Claims Court and Landlord/Tenant Court, and at LRIS and the Citizens Complaint Center. All Advisory Neighborhood Commissioners have also received the flyers as one way to inform the community of the existence of the program.

The deputy director of the program called every dispute resolution agency in the Referral Manual to introduce them to the Multi-Door concept and to solicit their assistance. An intake specialist personally visited the directors of each of these

agencies to talk about the program and learn of the resources available to the Multi-Door Program. Phone calls were also made to each of the social service agencies in the Referral Manual, again to enlist their support for the Multi-Door Program. The Washington Post and local news stations have covered Multi-Door events, although media coverage has been reported to be one of the most difficult parts of public education to arrange and maintain. A local television station filmed a public service announcement featuring one of the Washington Redskins and aired it periodically. Many news releases and media contacts have been initiated to encourage the writing of articles on the Multi-Door program. Community newspapers have been especially interested in the Multi-Door Program and have published several articles.

Opening ceremonies. An opening ceremony was held in late January 1985 at which all those instrumental in developing the program gave short speeches of welcome. The opening was well-attended by local media.

In early April, a day-long "gala celebration" was held to celebrate the program's opening of the small claims mediation service. The intake points were open for visiting and a colloquium was held. The highlight of the day was the opening ceremony (again, well-covered by local media representatives) at which speeches were made by Chief Justice Warren Burger, the ABA president, ABA president-elect, chair of the ABA Special Committee, D.C. Bar president, and the Superior Court Judges and Director of the Multi-Door program.

Small claims mediation. The small claims mediation service was opened in early April 1985, offering day-of-trial mediation and day-of-trial mediations scheduled at the parties convenience. A new group of mediators was carefully selected by the Multi-Door staff to conduct the day-of-trial mediations, and mediators from the D.C. Mediation Service were trained to conduct small claims mediations in the evening. The training of the mediators was conducted by the staff of the Center for Community Justice, who have trained many mediators for the D.C. Mediation Service.

Non-day-of-trial mediation hearings are initiated by the Multi-Door staff for small claims cases in which the complainant agrees that mediation is a desirable means to resolve the dispute. The Multi-Door Dispute Resolution Specialist schedules the hearing after consulting with the Mediation Service, where the small claims mediations are held.

Day-of-trial mediation hearing procedures have been carefully worked out with small claims court judges and officials. At the beginning of each session of small claims court, the judge makes introductory remarks strongly urging all parties to try to resolve the dispute through mediation. Mediators stand ready outside the court and mediate the small claims disputes in small hearing rooms immediately outside the courtroom. The judge takes a recess following his or her introductory remarks, while the court clerk assigns cases to mediators. Following the mediation hearings, the parties re-enter the courtroom. If an agreement is not reached, the case continues on the small claims docket. If

an agreement is reached, according to the Deputy Clerk of the small claims branch of the civil division, the case is considered settled in small claims court. The agreement is reviewed by the small claims court clerk and each party and the mediator receive copies. The agreement is generally not entered as a judgment of the court, but is placed in the case file; if the agreement is not upheld, one party can return to court to seek a court judgment. The philosophy of the small claims court is not to enter judgment if at all possible because they affect credit ratings. Therefore, a mediation settlement which satisfies the plaintiff and does not adversely affect the defendant's credit rating is preferred. The Deputy Clerk reports that parties are very cooperative and that broken agreements are rare, so far.

The following table presents caseload figures for four months, April through July, compiled by the Multi-Door staff.

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

The agreement rate for day-of-trial hearings is about 75% for first-time mediations. If a case is mediated unsuccessfully and the court proceeding is postponed to another session, that case may enter mediation again. If the continued cases are excluded, the agreement rate is higher.

The small claims mediation service has been quite successful in its short tenure. There have been many indications that the judges are quite satisfied with the service, and the Deputy Clerk reports that the mediation service has definitely reduced the small claims trial docket. The court also appreciates the intake services provided by the Multi-Door staff.

Domestic relations mediation. As this report goes to press, the Multi-Door staff are laying the groundwork for the second door to be opened in Phase I, the domestic relations mediation service. Substantial development work has already been completed with the family court, and recruiting and training of mediators has begun.

The domestic relations mediation service will mediate cases under the jurisdiction of the family division. The issues which may be mediated include provisions of divorce cases, including property settlements, child custody, child support and visitation terms, and the conditions of protection orders (for example, when the defendant may see the children).

Houston's Multi-Door Program

Developmental Events

Houston has been a leader in the alternative dispute resolution movement since the establishment of the Houston Neighborhood Justice Center in 1980. The Houston NJC is sponsored and directed by a committee of the Houston Bar Association (HBA) originally headed by the Chief Judge of the First Court of Appeals and a long-standing member of the ABA Special Committee on Dispute Resolution. The Chief Judge and the NJC staff were

instrumental in obtaining statewide legislation to fund alternative dispute resolution programs through extra costs attached to civil court filing fees.

After learning of the Multi-Door program through the ABA in 1982, the director and deputy director of the Neighborhood Justice Center began some of the needed developmental activities under the direction of the Chief Judge. The deputy director of the NJC wrote an initial proposal for the Houston Multi-Door program which was finished in late 1982. The intake and referral component was envisioned as a centralized, comprehensive system which would be located within the Harris County Criminal Courts Building, either in the District Attorney's Intake Division or in the Neighborhood Justice Center. There were a number of available doors in 1982, including the Neighborhood Justice Center, the Better Business Bureau Arbitration Program, many legal services, Justice of the Peace Courts, a variety of services for victims of domestic violence, the Mayor's Citizens Assistance Program, and other complaint handling agencies. The judiciary in Houston was seen as supportive of the concept due to their continuing support for alternative dispute resolution services.

The director of the Neighborhood Justice Center began to make contacts to solicit support for the Multi-Door Program after Houston was selected as a program site in 1983 by the ABA. The District Attorney and his staff were receptive to the idea from the beginning, and began to work with the Neighborhood Justice staff to develop criteria for intake and referral, and plan the program. The NJC director also began the development of the

intake and referral procedures and developed an elaborate flowchart outlining the major intake questions and the referral options. Several meetings to coordinate services were held early on with the many agencies in Houston which provide services to domestic violence victims. Initial contacts were also made with a number of legal services to attempt to coordinate their services. The NJC director was a member of a consortium of Houston intake and referral agencies, which provided links to many social service agencies. The current program director is currently working with this consortium to identify service gaps in the community.

In Fall 1983, intake training was conducted to prepare the NJC intake staff (who conduct intake at the D.A.'s office and NJC) for the Multi-Door program. The intake process taught was similar to the final training approach developed by the ABA for the program. By the end of 1983, these developmental events were well underway when both the director and deputy director of the Neighborhood Justice Center left.

With the loss of the expertise and energy of NJC staff, the development of the Multi-Door program seemed to be "on hold" during the first six months of 1984. The NJC deputy director had been viewed as the primary person to implement the program. The management structure changed with the loss of the NJC staff, and the new structure has affected program development and implementation substantially.

A consultant was brought in by the Houston Bar Association to oversee the NJC (with the help of a newly hired Deputy Director) and continue development of the Multi-Door program. A subgroup of members of the Bar committee overseeing the NJC began to form naturally, consisting of the Chief Judge, the consultant, the Executive Director of the Bar, the Committee chairperson, and Committee treasurer. This subgroup has maintained rigorous decision-making control over the NJC and Multi-Door program. In July 1984, a full-time Multi-Door director and an NJC director were hired, and contractual agreements between the HBA and ABA were finalized by September. In early 1985, the Multi-Door director resigned and the NJC director ultimately assumed leadership of both the Multi-Door and NJC programs.

Sponsorship. Although a non-profit organization, Alternative Resources, Inc., had been planned to sponsor both the NJC and the Multi-Door program, it was decided that the committee in the Houston Bar Association would continue to oversee both programs, and the HBA would be the official sponsor. The legislated funds for alternative dispute resolution were offered by the Houston Bar Association to support at least half of the budget for the Multi-Door program. The informal subgroup discussed above continues to oversee the mediation and Multi-Door programs.

Fund raising. From the start, legislated funds were to support half the Multi-Door budget. Although the ABA fund-raising staff visited Houston and discussed ideas with the subgroup, no local efforts were initiated. The HBA eventually

accepted \$15,000 of the National Institute for Dispute Resolution funds and fund the rest of the program with legislated monies. The HBA also donated \$25,000 for alternative dispute resolution activities.

Program name. The Multi-Door program began with no clear program identification--intake was started at existing intake points and citizens were not informed about the special purpose of the new service. A public relations firm was given the responsibility of conducting research to come up with a name for the new program that would be recognizable to citizens. The program title they arrived at is "The Dispute Resolution Centers," which has been adopted as an umbrella title for both the Multi-Door and Neighborhood Justice Programs.

Advisory Board. The Houston Bar Association Dispute Resolution Committee serves an advisory function for the Multi-Door program.

Implementation Activities

The Chief Judge and consultant continued many of the outreach activities started by the former NJC staff before the Multi-Door staff were hired. They were especially interested in involving the sixteen Justices of the Peace in Multi-Door and mediation services. Several of the Justices have been very supportive, while others are more reticent. The Justice of the Peace hear minor civil cases and misdemeanors and some see mediation as an encroachment on their territory. The supportive JPs, on the other hand, have mandated mediation for certain cases and one has offered voluntary mediations once a week.

The new Multi-Door program director began to visit a variety of agencies in late summer and early fall of 1984. The purpose of the visits was to inform people of the program and to encourage referrals to it. The director visited several Justices of the Peace, community agencies, and legal services. Discussions were held with the staff of the new Domestic Violence Unit in the D.A.'s office. The domestic violence staff are opposed to any mediation for domestic violence cases, and have resisted allowing such cases to be seen by Multi-Door intake specialists or referred to the NJC.

Intake points. As initially proposed, Multi-Door intake began as a centralized function within the Harris County Criminal Courts Building. The Multi-Door program took over the job of intake performed up to that point by Neighborhood Justice Center staff and interns. Intake takes place at two points: the NJC desk and the District Attorney's intake division, which are adjacent to each other in the courthouse. The Multi-Door intake specialists receive cases after the initial screening by the District Attorney's staff; approximately 40-50% of all cases coming to the attention of the district attorneys are referred to the Multi-Door program. As discussed above, no identifying program title was used for the intake services at first and citizens probably assumed the intake worker was affiliated with the D.A.'s office. The D.A.'s office retains all serious assault cases, all cases where a weapon is used, fraud cases, and others.

In March 1985, two new intake points were staffed, at the city prosecutor's office and a community center in the Hispanic

community. Later in 1985, intake and referral services were placed in another community center which serves as a satellite for the NJC and at one of the Justice of the Peace courts. The city prosecutor's office was selected because there was no alternative for cases coming to the prosecutor which were not appropriate for prosecution. One community center was chosen to serve the Hispanic community more directly; the other houses a police sub-station which promotes crime prevention as well as other police/community activities and is becoming a multi-service community center. Stationing an intake specialist at the Justice of the Peace court headed by the Chief Justice provides intake services to new citizens and is helpful in building JP support. The Chief Justice has also allowed mediation hearings to be held outside his courtroom, for day-of-trial, court mandated mediations of small claims cases.

Staffing.

The Dispute Resolution Centers are currently directed by a full-time director who oversees both the NJC and the Multi-Door Program. Three intake specialists were hired in November 1984 after final approval by the subgroup and were trained by the American Bar Association and Neighborhood Justice Center Staff. The ABA presented several sessions covering the intake process and the NJC staff provided information on the justice system and dispute resolution programs available in Houston. The new intake specialists visited a number of referral agencies and spent substantial time observing intakes at the Neighborhood Justice Center and the District Attorney's office before beginning.

Multi-Door intake began on the 1st of December, 1984. . . Soon thereafter, one of the intake specialists left and the two remaining specialists spent most of their time at the District Attorney's Intake Office. Intake at the NJC is handled by NJC staff.

New intake specialists were hired in 1985 to staff the new intake points. Their training was completed by current staff with help from the ABA; they spent substantial time observing intakes.

The former NJC deputy director who developed the original Multi-Door proposal has been retained as a consultant. The Houston Bar Association subgroup retains control, however, and makes all substantial decisions. The Dispute Resolution Centers director has renewed and extended the development and implementation activities.

Community outreach and public education. A public relations firm was hired by the Multi-Door subgroup to develop a public education and outreach campaign. Plans are underway for the development of brochures and public service announcements. Public education and outreach to Houston citizens had not yet been initiated in mid-summer 1985, but the public awareness campaign is a priority for the program for the remainder of 1985. The high cost of the public relations firm has resulted in a search for less costly, but similarly effective ways of program promotion. An in-depth proposal has been prepared to guide the implementation of the public awareness campaign.

The ABA's Role

The American Bar Association's Special Committee on Dispute Resolution views the Multi-Door program as a partnership between the ABA and the local sponsors. Far from simply being a catalyst, the ABA developed the Multi-Door concept, promoted its testing in the field, raised funds to make the experiment possible, and shaped the programs through training, on-site technical assistance, and information sharing. Similar to the substantial contributions made to each program by its local sponsor, the ABA has funded the Special Committee's activities and provided staff support in regard to the Multi-Door program since the early planning stages. The ABA Board of Governors has designated the Multi-Door program a priority program, and each ABA President since 1981, David R. Brink, Morris Harrell, Wallace D. Riley, John C. Shepherd, and William W. Falsgraf has been extremely supportive of the program, appearing at openings, mentioning the program in speeches, etc.

Two critical elements provided by the ABA are fund-raising and intake training. The fund-raising efforts of the ABA Resource and Development Office--in conjunction with the efforts of Special Committee members and staff, Multi-Door staff, and local volunteers--was very successful.

The intake training program was developed by Larry Ray of the ABA and Janet Rifkin of the University of Massachusetts. They developed an extensive training manual which includes information on alternative dispute resolution mechanisms, criteria for using them effectively, communication and inter-

viewing aids, guidelines and procedures for conducting intakes, Multi-Door program forms and instructions, and training exercises and role plays. Ray and Rifkin conducted training sessions in each of the three sites with expert assistance, materials, and additional training contributed by local staff and specialists. This training was well-received by all trainees, and provided each intake specialist with a common core of knowledge and expertise. The training manual may also be used by any agency concerned with intake, screening, and referral of disputes.

The Special Committee on Dispute Resolution formed a Multi-Door Subcommittee comprising Frank Sander, representatives from Houston and Tulsa, and the Special Committee chair. The subcommittee has dealt with several major issues, including the apparent lack of progress seen, at times, in Houston and D.C., the problems created by staggered starts, and problems related to the research funds ending prior to the first full year of D.C. and Houston program operations. The ABA's management of the program (primarily the responsibility of the Special Committee staff director) has been active and animated, perhaps best described as a collaborative-cooperative management style rather than a strict constructive one. The staff director worked closely with the local program and research staff, offering many suggestions and substantial technical assistance while issuing few ultimatums or dictates. The staff and members of the Special Committee have also been instrumental in developing knowledge about the Multi-Door concept across the country and providing information to individuals interested in the program.

CHAPTER 3: INTAKE AND REFERRAL PROCESSES AND CASELOAD DESCRIPTIONS

In this chapter, we will describe how citizens learned of the Multi-Door programs, the intake and referral process, the nature of the disputes handled by the intake specialists, and the dispute resolution resources used.

How do citizens learn of the Intake Centers

One of the underlying premises of the Multi-Door concept is that citizens are not aware of the availability of dispute resolution mechanisms or how to access them. At this stage in the program's evolution, citizens are learning of the Multi-Door intake centers in different ways. During the developmental and implementation activities, many court, legal, and law enforcement officials and centers contacted major dispute resolution and social service agencies and other intake and referral mechanisms (e.g., hotlines, lawyer referral services, etc.) to promote their services. Two of the three launched public education and outreach campaigns (Houston has a public education/outreach program planned). In varying degrees in two sites, existing complaint processing mechanisms have been taken over by the Multi-Door intake centers, providing them with a built-in caseload.

The means by which citizens come to the Multi-Door Centers have important effects. They determine, in large part, the nature of the caseload, the scope of the centers' services, and the public's and legal community's image and use of the program. Income referral sources for each city are described below.

Tulsa. In Tulsa, the intake points are the Police/Prosecutor Complaint Office (PPCO), Troubleshooters line, Better Business Bureau, and Bar Association. The majority of citizens using the intake services reported that they learned of the Complaint Centers through television (46%) or the police (33%). The television station aired public service announcements providing all Complaint Center phone numbers. In many cases, however, citizens appear to be calling the agency housing the intake center rather than the Complaint Centers. In other words, consumer calls are being made to the BBB, not the Complaint Center within the BBB, and citizens are calling the Troubleshooter to air a complaint, not to contact the Complaint Center.

The majority of citizens coming to the PPCO are referred by police. The police officers have pads of small notes containing information about the PPCO (types of disputes handled, phone number, and location). We do not know how many of the police referrals come via these notes or from officers who say "go down to Municipal Court to file charges." Once at the court, a variety of court clerks and staff direct citizens to the PPCO.

Houston. All intakes between December 1984 and February 1985 were conducted at the District Attorney's intake point or the Neighborhood Justice Center; the other intake points were staffed in March and April 1985. Although no public education had taken place, a number of referral agencies had been contacted to alert them to the new intake services.

Seventy-four percent of the complainants in the early months reported that the police told them to come to intake at the

D.A.'s office, followed by private attorneys (8%), sheriffs (4%), and Justices of the Peace (4%). It is likely that the citizens coming to the District Attorney and city prosecutor offices have little to no awareness of the Multi-Door program. The newer intake points at the two community centers, Justice of the Peace court, and city prosecutor's office attract citizens coming to those agencies for various purposes. At the JP court and city prosecutor's office, citizens come to file complaints and are directed to the intake specialists. The two community centers, especially Ripley House in the Hispanic community, have many daily activities such as senior citizen events, health care, day care, etc. Many of the disputes seen at Ripley House are initiated by elderly citizens.

The Houston program is embarking on a major outreach campaign for the Dispute Resolution Centers, which is to include substantial media coverage, work with the police to obtain referrals, and ongoing educational efforts with the JPs. These activities may expand citizen awareness and use of the intake and referral services.

District of Columbia. The D.C. program is using the title of "Multi-Door Dispute Resolution Program Intake Center" at the courthouse intake point. The majority of complainants learned of the Intake Center through newspaper coverage and the public service announcements on radio and television. A few were referred by clerks at the Small Claims and Landlord/Tenant Courts.

Citizens called the Lawyer Referral and Information Service to discuss their perceived need for an attorney, not specifically to access the Multi-Door services. According to the LRIS director, more referrals are being made to community-based resolution mechanisms than before the creation of the Multi-Door process.

The Intake Process

The intake process at the Multi-Door centers was designed to (1) provide the citizen with immediate relief in the form of offering a caring, empathetic, professional service and (2) diagnose a dispute with expertise and explore options with the citizen to refer the case to the most appropriate place for resolution. Training by ABA staff in the three sites aimed to teach the intake specialists to conduct the intake interview in an uniform manner. Six stages were delineated:

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

Option selection and assistance -- completion of the interview, to construct a plan of action for proceeding and encouraging the complainant to take personal responsibility for the plan.

The intake process varied by individual intake specialist and by location and procedures made to accommodate the intake point. Our on-site observations indicated that for the most part, the intake specialists tried to follow the training model, particularly during the early stages when the citizens were describing their disputes. Citizens were listened to and allowed to tell their stories at length in their own words. Conducting the end of the interview (stages 5 and 6) with thoroughness appeared to be somewhat difficult. Many interviews ended with a consideration of options, and the complainant left with a definite plan. In others, it appeared the intake specialist made a quick referral with no real exploration of consequences with the complainant. At times the specialists appeared to do what the citizen wanted (often send the case to the prosecutor or district attorney all the while knowing that prosecution was highly doubtful) or do what they think was best (such as strongly urge the citizen to use mediation). In many cases, in-house referrals were made -- intake workers at the Houston NJC tended to refer citizens to mediation, PPCO intakes in Tulsa were typically referred to the prosecutors office, etc. This point will be elaborated on later.

Referrals were made in different ways. In Tulsa and Houston, referrals made to somewhere other than prosecution or mediation involved giving information (usually verbally) to the citizen as to where to call or go for help. Referrals to ES or

the NJC often involved a more active role by the intake specialist, who called the mediation program to schedule a hearing, or, in Houston, simply scheduled it on the spot. In D.C., the intake specialists usually called the referral agency in advance to be sure it could handle the dispute. Appointments were made for legal services and mediation hearings were scheduled by the intake staff. Complainants are given appointment slips for each referral, telling them when to go and where. D.C. intakes may last an hour.

The D.C. intake process appears quite thorough, due to many factors, including the expertise of the staff, number of staff available, close supervision of every intake, training received, and relatively low caseload at this point in the program. Incoming clients sign-in and fill out basic parts of the intake form (name, address, income, race, etc.). They are then interviewed by an intake specialist. In one interview personally observed, much time was spent discussing the landlord/tenant problem, what had been done to date, and what the complainant desired. The intake specialist conferred with the intake supervisor about options. This information was provided to the complainant, each option was discussed (mediation did not seem probable, etc.), and a plan of action was set. The D.C. intake specialists tend to prioritize referrals (i.e., refer to mediation with a back-up to try the Lawyer Referral and Information Service if mediation fails). All intakes at the courthouse are in person and all LRIS intakes are over the phone.

In Houston, the research analyst observed differences between intakes conducted by trained Multi-Door intake specialists and those conducted by their predecessors from the NJC. The Multi-Door intakes are longer and more sensitive to the client. Time is taken to listen to the citizen carefully and referral options are explored in some detail. The majority of the intakes are in person; a few phone intakes are conducted at the NJC.

Substantial variation in intake was seen among the Tulsa intake specialists. Intake is conducted exclusively by phone at the Better Business Bureau and Troubleshooters intake points. The BBB handled primarily consumer and employment problems, and the intake and referral process was very quick. Only the friendliness of the intake specialist kept it from being entirely perfunctory. At the Troubleshooters line, citizens often called with problems they had tried, but failed, to resolve, or felt there was no other course but to seek publicity. Hardship situations--people out of work, no place to live, enormous medical bills, etc.--were sometimes handled by the Troubleshooters intake specialist. She was warm and empathetic, and spent considerable time talking and listening in an effort to help. It was also characteristic of this intake specialist to make phone calls to agencies for help and to try to conciliate or resolve disputes herself. Intake at the PPCO may be in person or over the telephone; at the Bar Association it is predominantly by phone.

The staff director for the ABA Special Committee developed and delivered much of the intake training, and observed intakes

on-site frequently. In the in-person intakes conducted in Houston (not meant to exclude others), he saw the process unfolding as it was envisioned in training. The citizens were treated with dignity and care and the diagnostic screening was skillfully completed. All in all, it appears that the Multi-Door intakes in all three sites are achieving the goal of helping citizens through professional, caring service.

Supervision of the intake specialists varies. It is close and "hands on" in D.C., and somewhat more distant in Tulsa and Houston with their scattered intake points. The intake specialists in Tulsa and Houston meet about once a week to exchange ADR information and discuss difficult cases and special problems.

What types of cases are being handled and where are they referred?

Tulsa's caseload. Caseload figures are available for Tulsa for the first year of operations, from opening in April 1984 through March 1985. The cases between opening and November 1984 were entered into a computerized database, and summary analyses of the characteristics of these nearly 2,000 disputes are shown in Table 3-1 (for easier reading, all tables appear at the end of chapter). Additional descriptive analyses from the 463 randomly selected cases with follow-up information (see Chapter 4) are also included. Table 3-2 presents information on the primary referral resources used by different intake points, Table 3-3 presents the parties' relationships in different types of disputes, and Table 3-4 cross-tabulates the type of dispute with the primary referral given.

The total caseload figures for the first year of Tulsa's Citizen Complaint Centers are:

Intake Points

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

The Tulsa Citizens Complaint Centers handled a variety of civil and criminal disputes and complaints. Consumer disputes accounted for nearly a quarter of the cases, followed by assault (13%), disputes over money or property (13%), complaints regarding city or county services (10%), neighborhood problems (9%), and threats or harassment charges (8%). The relationships between the parties tended to be rather distant: 33% were consumer/merchant, landlord/tenant, or employee/employer; 25% were citizens complaining against local government, utility companies, or large organizations; 21% were friends, acquaintances, or neighbors; and 13% had very close relationships (family, boyfriend/girlfriend, etc.). The follow-up sample is weighted more heavily in the direction of consumer/merchant and landlord/tenant type relationships because of the growing caseloads of the BBB and Troubleshooters intake points toward the end of the first year.

For resolution, the Complaint Centers used the prosecutor's office or other divisions of the courts (35%), Early Settlement (18%), city or county agencies (13%), the BBB (8%), and legal services (6%). Each intake point had a distinctive caseload. The PPCO tended to handle minor criminal cases involving assault, harassment, threats, money, property, and/or neighborhood issues; half to two-thirds were referred to the prosecutor. The Troubleshooters intake point handled consumer, landlord/tenant, and city/county service complaints, and diverse others (e.g., hardship situations). A variety of referral agencies were used, but government agencies, mediation, and consumer agencies (mainly the BBB) were used most often. The BBB handled consumer disputes for the most part, referring 20-30% to itself and 21-25% to government agencies. In general, assault, threats, and money or property disputes were sent to the prosecutor. Early Settlement was apt to receive neighborhood and consumer disputes. Legal services were sent landlord/tenant and consumer disputes, city/county agencies were sent city/county complaints and consumer disputes, and the Better Business Bureau received primarily consumer disputes.

The follow-up sample contains more cases from the BBB and Troubleshooters points, which are likely to be consumer and city/county complaints. Thus, fewer prosecutor and court referrals are found in Table 3-4. Government and consumer agencies were used more often.

In regard to disputant demographics, there were more female complainants than males, with the reverse true among respon-

dents. Tulsa's black population is slightly over-represented in the Multi-Door caseloads.

In summary, Tulsa's caseload was predominately minor matters, particularly small claims, and citizen complaints about municipal and local services. Some interpersonal and criminal matters were seen at the prosecutor's intake point. The location of the intake points determined the caseload in part -- the BBB received consumer complaints, of course, criminal matters were taken to the prosecutor's office, and the Troubleshooter often handled the "David-and-Goliath" disputes, with citizens fighting city hall, the phone company, etc.

The location of intake points also influenced the referrals made. At the BBB and prosecutor's office, those in charge of the office (the Bureau director and city prosecutor) have predilections to "hang on" to their cases and not refer them elsewhere. These individuals feel many of the cases seen by intake specialists are appropriate for and belong in their processes. Over time, it appeared that the PPCO made fewer referrals to the prosecutor and used alternative resources, particularly mediation, more. This may be attributed to an increase in the prosecutor's trust in the effectiveness of the Multi-Door screening and early feedback on the prosecutor's office handling of cases (few resolutions were achieved and citizens were very dissatisfied). The intake specialists' views and parties' preferences entered in also. Many complainants (who may be more appropriately called victims) strongly desired prosecution and

punishment of the respondent (offender/defendant), and were referred to the prosecutor.

The personal views of the intake specialist may have influenced the decision to refer to the prosecutor also. It appeared that some referrals were made with little thought. We feel that, in Tulsa, mediation might have been effective in many more cases. On the other hand, several "barking dog" disputes -- the staple of mediation programs--were effectively resolved following a simple warning letter from the prosecutor to the respondent. The prosecutor felt, for the most part, that Multi-Door referrals to his office were appropriate.

Houston's caseload. Caseload figures from the Houston program from opening in December 1984 through June 1985 have been entered into the computer, but only those with completed follow-up interviews have been completely analyzed. To describe the nature of the caseload and referral resources used, several tables are included. Table 3-5 presents summary data for cases going through intake in January and February. Tables 3-6, 3-7 and 3-8 include all cases for which completed follow-up interviews were available (these cases were selected at random from December through April intakes); they depict the relationships between intake points and primary referrals made, disputant relationships and their disputes, and casetypes and primary referrals made, respectively.

The seven-month caseload figures are:

Intake Points

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

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

In summary, the disputes involved parties known to each other--often known very well--and were both civil and criminal cases, primarily civil. It is important to note that during these project months, no publicity campaign was underway and most of the cases came to the Multi-Door program via the D.A.'s office. Citizens were coming to the District Attorney's office to file a complaint, and after being screened by a D.A. staff person, citizens were interviewed by a Multi-Door intake specialist. The D.A.'s minimal criteria for referring citizens to NJC/Multi-Door intake staff were that the disputes be between individuals with a personal relationship and no weapons involved. All domestic violence cases were referred unilaterally to the D.A.'s Domestic Violence Unit.

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

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

money/property disputes, plus some interpersonal and neighborhood problems; over 90% were scheduled for mediation. Intake conducted at the JP court involved both money/property disputes and misdemeanor charges of assault, harassment, and threats. Money/property issues, again, predominated at the community centers' intake points. The city prosecutor's intake handled primarily assault cases; 75% were referred to the city prosecutor (this finding is not reflected in Table 3-6, which includes a small sample of the earliest cases seen at the intake point).

The parties helped by the Houston program span the ages of 15 to 89, with an average age in the mid-30's. Males outnumbered females, and city's black population was slightly over-represented, while Hispanics were under-represented.

Between January and November 1984, the nature of the caseload handled by NJC intake workers was very similar to the Multi-Door cases. It does appear, however, that alternative dispute resolution mechanisms were used more often by the Multi-Door staff. Of the 4,650 citizens seen by NJC intake staff in 1984, 42% were referred to the NJC and 14% were referred back to the District Attorney. Of the rest, 5% were referred to the Justices of the Peace, 2% were referred to legal services, and 2% were referred to social service or other agencies. Justices of the Peace and legal services were used more by the Multi-Door intake specialists.

D.C.'s caseload. The District of Columbia Multi-Door Center was opened on January 22, 1985. The caseload figures for January through July 1985 have been compiled by Multi-Door staff and are

represented in Table 3-9. Table 3-10 presents data on the relationship between the parties and the nature of their dispute; Table 3-11 contains information on where different types of cases were referred. The sample of cases for the latter two tables consists of the 284 cases with completed follow-up interviews. An attempt was made to follow-up each of the first 440 cases; 65% were successful, resulting in the 284 cases.

During the first seven months of operations, the D.C. Multi-Door program conducted intakes with 893 individuals, or approximately 128 cases each month, at the Intake Center within the Superior Courthouse. The monthly average is lowered by including the opening month, in which intake was conducted for just over a week. Unlike the Houston and Tulsa intake points, the D.C. intake operation was created as a brand new entity and did not simply assume the intake and referral responsibility of an agency already in place, such as the Neighborhood Justice Center and D.A.'s office in Houston, and the prosecutor's office, Troubleshooters line, and BBB in Tulsa. The D.C. Intake Center had to advertise its services and encourage citizens to use this new approach to dispute resolution. The size of the caseload of each program varies dramatically, and cannot be directly compared given the very different situations under which the intake points were implemented.

The Lawyer Referral and Information Service in D.C. is a second intake point for the program, and did come with a built-in caseload. About 75% of the incoming calls at the LRIS are referred to someplace other than an attorney for consultation.

The director of LRIS reports their staff making substantially more referrals to community-based dispute resolution mechanisms since some of the LRIS staff attended the Multi-Door training and all are using the resource manual. All cases referred to community-based dispute resolution mechanisms are now considered part of the Multi-Door intake process. LRIS does not use the Multi-Door intake forms, but records intake data on abbreviated forms.

All but the referral agency information in Table 3-11 refers to cases completing intake at the courthouse. The caseload was dominated by civil matters involving monetary claims for the most part, with just over half the cases involving small claims disputes. A few family, domestic relations, and interpersonal disputes were also received. As shown in Table 3-12, 25% of the disputes occurred between individuals with personal relationships; the majority of the disputants did not have ongoing personal ties.

The dispute resolution process referred to most often was mediation. About a third of the cases were referred to the small claims mediation program operated by the Multi-Door program in cooperation with the small claims court (this program was described in Chapter 2) and 12% of the cases were referred to the D.C. Mediation Service, which mediates all types of disputes. A substantial number of referrals were also made to various legal assistance programs, including LRIS (12% of the cases), university-based law clinics (3%), and other legal assistance programs (7%). Government agencies received approximately 7% of

the cases. The agencies used most often were the Rental Accommodations Office for housing and landlord/tenant disputes and the Department of Consumer and Regulatory Affairs for consumer disputes.

Small claims, other money/property disputes, and service complaints were apt to be referred to mediation, followed by the LRIS and government agencies. Employment disputes, which were often quite complex, are referred primarily to the law clinics and LRIS. Landlord/tenant cases tended to be referred to government agencies (particularly the R.A.O.) and to the landlord/tenant court.

The nature of the LRIS Multi-Door caseload is not fully known, but it does not appear to be as dominated by the small claims types of disputes. Civil and monetary problems were handled, including consumer problems, charges of malpractice, unethical business practices, citizen complaints about government services and payments, child support, and others. The referral agencies used most often were George Washington University's consumer help clinic (20%), government agencies (17%), Consumer Credit Counseling (9%), and the D.C. Mediation Service (9%).

The D.C. Multi-Door caseload reflects a near absence of referrals to traditional judicial processing--unlike Tulsa and Houston, extremely few referrals were made to courts, prosecutors, or district attorneys. A handful of referrals were made to small claims court, landlord/tenant court, civil court, domestic relations court, and the Citizen Complaint Center (the U.S. attorney's office), but very few in comparison to the other sites.

This may be due to several reasons. One is philosophical--the intake staff believe that court processing is a final resort, and alternative mechanisms should be tried first. This philosophy is upheld by the program sponsors also; their aim is to reduce court congestion and delay while helping citizens. Another is the location and independence of the courthouse intake point--no screening or intake is conducted for another agency such as the prosecutor's office.

The disputant demographic data illustrate that the complainants were about equally split between males and females, and 80% are black, slightly higher than the total D.C. population. All ages participated in the program, with the majority between 25 and 45. All income groups were included also--the program does not serve the poor and low-income groups primarily, contrary to many mediation programs.

Summary and discussion. The natural variation across the sites provides much food for thought, analysis, and interpretation. The three Multi-Door programs collectively handled an enormous number of minor disputes of all kinds, from assault charges between married persons to small claims disputes involving consumers and merchants to citizen complaints against the pricing structure of the local utility company. The disputes handled by the Multi-Door program encompassed the full-range of minor criminal, civil, and quasi-legal matters. The "disputes" also included some extra-legal issues, and some issues that were simply complaints, rather than disputes.

The three programs had diverse caseloads, due primarily to the locations and connections of the intake and referral points. Tulsa, with intake points at the prosecutor's office, television action line, Better Business Bureau, and bar association, handled a mixed group of disputes. Most were civil disputes or citizen complaints, although a small percentage of minor criminal matters appeared also. The relationships between the parties were distant, for the most part. In contrast, Houston's mixed caseload involved a large number of criminal and civil matters, but primarily between parties with close, ongoing relationships. Their intake points included the district attorney's office, Neighborhood Justice Center, city prosecutor, Justice of the Peace, and two community centers. The criminal nature of many disputes may be attributed to their entry points to the Multi-Door intake and referral system. The District of Columbia's central intake point is a new entity with no close connections to any particular dispute resolution process. The D.C. caseload was almost exclusively civil, consisting of consumer and other matters, primarily between individuals with distant, sporadic relationships.

What is missing from the caseloads are all large civil disputes involving large sums of money or complex legal issues. Also missing are serious criminal disputes.

It is not clear what the perceptions of the citizens in Tulsa, Houston, and D.C. were toward the Multi-Door concept. Those who have used it are quite satisfied with their experience. Yet, there appeared to be some confusion about the

role of the Multi-Door program, and it was often not differentiated from the agency in which the intake point is housed.

Hundreds of different agencies and organizations were used by the Multi-Door programs for dispute resolution. The number of alternative processes, however, was more limited. Mediation was the most common and available alternative dispute resolution process and was extensively utilized in D.C. and Houston. The Tulsa program made referrals to mediation much less often. Arbitration processes were available in limited form; the BBB offers arbitration for automotive warranty issues and D.C. has a voluntary civil arbitration program which is underutilized. Perhaps surprising is that the Multi-Door centers (with the notable exception of D.C.) relied to a large extent on traditional dispute processing--the courts, prosecutors, district attorneys, police, and private lawyers.

In the next chapter, follow-up information will be presented to assess how effective and appropriate the different referral agencies are in resolving different disputes. It appears that the intake specialist's knowledge of dispute resolution processes which are best suited to different disputes is only one criterion used in making a referral. The parties' desires certainly enter in, particularly in referrals to prosecutors and district attorneys. The connections of the Multi-Door programs to particular dispute resolution agencies--particularly the housing of intake points within agencies and the adoption of the agencies' screening functions by intake specialists--appear to influence decision-making in regard to referrals substantially.

TABLE 3-1: TULSA CASELOAD SUMMARY

Types of cases

Consumer	495 (23%)
Assault, threats, harassment	448 (22)
Money or property disputes	281 (13)
Landlord/tenant or employee/employer	231 (11)
City/county services complaints	207 (10)
Neighborhood disputes	200 (9)

Relationships between the parties

Domestic or boyfriend/girlfriend	280 (13%)
Friends or acquaintances	145 (7)
Neighbors	290 (14)
Consumer/merchant	403 (19)
Landlord/tenant or employee/employer	292 (14)
Citizen vs. government, utilities, large companies	525 (25)
Strangers/other	172 (8)

Agency referred to

Prosecutor or court division	747 (35%)
Project Early Settlement or BBB Arbitration	282 (18)
City/county agencies	287 (13)
Legal services	129 (6)
Better Business Bureau	171 (8)
Social service or community agencies	49 (2)
Other	368 (17)

Other action:

No referral, information only	24 cases
"No door" - no appropriate forum available	54 cases
Resolved by intake specialist	14 cases

Incoming referral source

Television	864 (46%)
Police	619 (33)
Self	97 (5)
BBB	51 (3)
Friend	47 (2)
City prosecutor	44 (2)

Intake point summary

Police/Prosecutor Complaint Office:
Type of dispute:

28% Assault
18% Money/Property disputes
16% Harassment or threats
13% Neighborhood problems

Referred to:

68% City Prosecutor
17% PES

Troubleshooters:
Type of dispute:

31% Consumer disputes
17% Other (hardship situations, etc.)
14% Landlord/tenant or employee/employer
7% City/County services complaints

Referred to:

30% Miscellaneous sources
23% City/county agencies
19% PES

Better Business Bureau:
Type of dispute:

61% Consumer disputes
20% Landlord/tenant or employee/employer

Referred to:

30% BBB
21% City/county agencies
18% Miscellaneous sources

Tulsa County Bar Association:

(Not yet analyzed)

Disputant demographics

	<u>Complainant</u>	<u>Respondent</u>
Sex: Male	909 (42%)	567 (74%)
Female	1,246 (58)	198 (26)
Race: White	799 (73%)	348 (64%)
Black	255 (23)	172 (32)
Hispanic	11 (1)	9 (2)
Other	24 (2)	15 (3)

(In 1980, Tulsa had a population of 361,000;
86% White, 12% Black, 2% Hispanic)

Table 3-2: Tulsa

Intake Point by Primary Referral Agency Used

Intake Point	Mediation	Arbitration	Pros/D.A.	Court	Lawyer Referral	Law Clinic	SS/Comm. Agency	Consumer Agency	Gov't Agency	Legal Services	Private Attorney	Police	Private Agency	Prof. Agency	No Referral	Other	Total
Police/Prosecutor Complaint Office	39 (24)*	0	74 (45)	7 (4)	1 (1)	0 (0)	1 (1)	1 (1)	13 (8)	3 (2)	9 (5)	9 (5)	0	0	7 (4)	1 (1)	165 (37)
Troubleshooters	35 (18)	0	2 (1)	2 (1)	9 (5)	0 (0)	4 (2)	27 (14)	67 (34)	7 (4)	0	2 (1)	0	3 (2)	32 (16)	10 (5)	200 (45)
Better Business Bureau	1 (2)	1 (2)	0	0	2 (3)	0	3 (5)	13 (21)	16 (25)	4 (6)	0	0	0	8 (13)	11 (17)	4 (6)	63 (14)
Bar Association	3 (16)	1 (5)	0	1 (5)	1 (5)	0	1 (5)	0	2 (11)	2 (11)	1 (5)	0	0	0	5 (26)	2 (11)	19 (4)
Total	78 (17)	2 (0)	76 (17)	10 (2)	13 (3)	0	9 (2)	41 (9)	98 (22)	16 (4)	10 (2)	11 (2)	0	11 (2)	55 (12)	17 (4)	447

¹ For cases with completed follow-up interviews
*row percentages

Table 3-3: Tulsa
Relationships between the parties by Nature of the dispute

Relationship	Assault	Harassment/threat	IP/family	Money/property	Service	Employment	Landlord/tenant	Consumer/merchant	Cit. vs. gov't/company	Neighborhood/nuisance	Other	Total
Close personal (married, boyfriend, girlfriend, etc.)	14 (33)	12 (28)	10 (23)	3 (7)	0 (0)	1 (2)	0 (0)	0 (0)	1 (2)	2 (5)	0 (0)	43 (10)**
Friends	1 (20)	3 (60)	0 (0)	1 (20)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	5 (1)
Acquaintances or neighbors	4 (5)	5 (6)	0 (0)	6 (7)	0 (0)	0 (0)	0 (0)	1 (1)	3 (4)	60 (73)	3 (4)	82 (19)
Landlord/tenant	0 (0)	1 (3)	0 (0)	3 (9)	0 (0)	0 (0)	26 (76)	2 (6)	0 (0)	2 (6)	0 (0)	34 (8)
Consumer/merchant	0 (0)	2 (1)	1 (1)	15 (11)	8 (6)	1 (1)	0 (0)	102 (72)	3 (2)	1 (6)	8 (1)	141 (32)
Employee/employer	2 (8)	2 (8)	0 (0)	3 (12)	1 (4)	17 (65)	0 (0)	0 (0)	0 (0)	0 (0)	1 (4)	26 (6)
Citizen vs. government or large company	0 (0)	2 (3)	4 (5)	8 (11)	6 (8)	1 (1)	1 (1)	9 (12)	27 (36)	7 (13)	10 (9)	75 (17)
Strangers, others	3 (11)	3 (11)	0 (0)	10 (36)	3 (11)	0 (0)	0 (0)	1 (4)	0 (0)	2 (21)	6 (7)	28 (6)
Total	24 (6)*	30 (7)	15 (3)	49 (11)	18 (4)	20 (5)	27 (6)	115 (27)	34 (8)	74 (17)	28 (6)	434 (100)

*Row percentages
**Column percentages

Table 3-4: Tulsa
 Type of Dispute by Type of Agency Referred to
 Type of Agency

Type of Dispute	Mediation	Arbitration	Prosecutor or D.A.	Court	Lawyer Referral Service	Law Clinics	Soc. Serv. or Comm. Agency	Consumer Agency	Gov't Agency	Legal Services	Private Attorney	Police	Private Agency	Prof. Agency	Other	TOTAL
Assault	1	0	21	1	0	0	0	0	0	0	0	1	0	11	0	24
Harassment/Threats	5	5	15	0	1	0	1	0	3	1	0	4	0	0	0	30
Interpersonal or Family	1	0	2	2	1	0	1	1	1	3	2	0	0	0	2	16
Dispute over money or property	9	1	12	2	1	0	1	0	8	0	4	3	0	1	2	44
Service Problem	0	0	0	0	0	0	2	3	6	1	0	0	0	2	0	14
Employee/Employer	4	0	1	0	2	0	1	1	1	2	0	0	0	5	0	17
Landlord/Tenant	6	0	0	1	2	0	0	1	0	5	3	0	0	0	1	19
Consumer/Merchant	20	1	2	2	6	0	1	27	30	3	0	0	0	3	2	97
Citizen vs. Gov't Agency	1	0	0	0	0	0	0	3	23	0	0	0	0	0	0	27
Neighborhood or Nuisance Problem	28	0	16	1	1	0	0	1	3	18	0	1	3	0	0	71
Other	3	0	5	0	0	0	1	2	9	0	0	0	0	0	9	29
TOTAL	78	2	74	9	13	0	9	41	99	15	10	11	(0)	11	16	388

Types of cases

Assault, harassment, threats, interpersonal disputes:	301	(33%)
Money, property, or contract disputes:	594	(65)

Relationships between parties

Domestic or boyfriend/girlfriend	100	(11%)
Other family	116	(12)
Friends	186	(20)
Acquaintances, roommates, co-workers	152	(16)
Neighbors	71	(8)
Consumer/merchant, client/services	145	(15)
Landlord/tenant	79	(8)
Employee/employer	58	(6)
Strangers/other	28	(3)

Agency referred to

Neighborhood Justice Center	362	(46 %)
Justice of the Peace	97	(12)
District attorney	76	(10)
City prosecutor	73	(9)
Other court divisions	14	(2)
Legal services:		
Volunteer Lawyer	29	(4%)
Gulf Coast Legal Services	19	(2)
Family Law Center	11	(1)
Lawyer Referral Service	20	(3)
Other	2	(4)
Police	48	(6)
Social service or community agencies	17	(2)
City, county, state, or federal agency	15	(2)
Other	10	(1)

Other action:

Information only provided	62 cases
No referral, calls made or letters sent	64 cases
Telephone conciliations	14 cases

Incoming referral source

Police Department	596	(74%)
Private attorneys	67	(8)
Self	48	(6)
Sheriff	36	(4)
Justice of the Peace	32	(4)
Previous user	23	(3)

Disputant demographics

	<u>Complainant</u>	<u>Respondent</u>
Sex: Male	521 (56%)	613 (74%)
Female	405 (44)	218 (26)
Race: White	355 (38%)	349 (42%)
Black	423 (46)	373 (45)
Hispanic	107 (12)	88 (11)
Other	43 (5)	22 (3)
Age: Range	15 - 89	15 - 85
Average	37	33

(In 1980, Houston had a population of 1,595,000;
54% White, 28% Black, 18% Hispanic)

Table 3-6: Houston

Intake Point by Primary Referral Agency Used

Intake Point	Mediation	Arbitration	Pros/D.A.	Court	Lawyer Referral	Law Clinic	SS/Comm. Agency	Consumer Agency	Gov't. Agency	Legal Services	Private Attorney	Police	Private Agency	Prof. Agency	Other	No Referral	Total
District Attorney's Intake Division	164 (41)*	0 (0)	67 (17)	40 (10)	5 (1)	0 (0)	0 (0)	0 (0)	3 (1)	4 (1)	10 (3)	16 (4)	1 (0)	4 (1)	5 (1)	77 (19)	396 (86%)
Neighborhood Justice Center	30 (91)	0	0	3 (9)	0	0	0	0	0	0	0	0	0	0	0	0	33 (7)
Wiley House Community Center	0	0	0	0	0	1 (9)	0	0	2 (18)	4 (36)	0	1 (9)	0	0	1 (9)	2 (18)	11 (2)
City Prosecutor	13 (57)	0	6 (26)	0	0	0	0	0	1 (4)	0	1 (4)	1 (4)	0	0	0	1 (4)	23 (5)
Total	207 (45)	0 (0)	73 (16)	43 (9)	5 (1)	1 (0)	0 (0)	0 (0)	6 (1)	8 (2)	11 (2)	18 (4)	1 (0)	4 (1)	6 (1)	80 (17)	463

*row percentages

Table 3-7: Houston
Relationships between the parties by Nature of the dispute

Relationship	Assault	Harassment/threat	IP/family	Money/property	Service	Employment	Landlord/tenant	Consumer/merchant	Cit. vs. gov/t/company	Neighborhood/nuisance	Other	
Close personal (married boyfriend/girlfriend, etc.)	14 (14)*	27 (26)	9 (9)	46 (45)	0 (0)	0 (0)	1 (1)	6 (6)	0 (0)	0 (0)	0 (0)	103 (22)*
Friends	15 (16)	10 (11)	0 (0)	63 (68)	0 (0)	0 (0)	1 (1)	3 (3)	0 (0)	0 (0)	0 (0)	92 (20)
Acquaintances or neighbors	29 (29)	19 (19)	4 (4)	42 (42)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	3 (3)	3 (3)	100 (22)
Landlord/tenant	3 (10)	2 (7)	0 (0)	19 (66)	0 (0)	0 (0)	3 (10)	2 (7)	0 (0)	0 (0)	0 (0)	29 (6)
Consumer/merchant	3 (4)	0 (0)	4 (6)	33 (46)	0 (0)	0 (0)	0 (0)	29 (41)	0 (0)	1 (1)	2 (2)	72 (16)
Employee/employer	9 (23)	0 (0)	2 (5)	17 (44)	0 (0)	9 (23)	0 (0)	0 (0)	0 (0)	0 (0)	2 (5)	39 (9)
Citizen vs. government or large company	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Strangers, others	6 (26)	4 (17)	0 (0)	12 (52)	0 (0)	0 (0)	0 (0)	1 (4)	0 (0)	0 (0)	0 (0)	23 (5)
Total	79 (17)	62 (14)	19 (4)	232 (51)	0 (6)	9 (2)	5 (1)	41 (9)	0 (0)	4 (1)	7 (2)	458 (100)

*Row percentages

**Column percentages

Table 3-8: Houston
 Type of Dispute by Type of Agency Referred to
 Type of Agency

Type of Dispute	Mediation	Arbitration	Pros./D.A.	Court	Lawyer Referral	Law Clinics	SS/Comm. Aging	Consumer Agency	Gov't Agency	Legal Services	Private Attorney	Police	Private Agency	Prof. Agency	Other	TOTAL
Assault	20	0	41	9	0	0	0	0	0	0	2	2	0	0	0	74 (19)
Harassment/Threats	30	0	5	6	0	0	0	0	0	0	0	1	0	0	1	43 (11)
Interpersonal	5	0	4	2	0	0	0	0	2	1	0	1	0	0	2	17 (4)
Money/property	123	0	16	19	3	0	0	0	0	4	4	11	1	1	2	184 (48)
Services	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0 (0)
Employer/employee	3	0	0	1	0	1	0	0	1	0	0	0	0	3	0	9 (2)
Landlord/tenant	2	0	0	1	0	0	0	0	0	1	1	0	0	0	0	4 (1)
Consumer/merchant	20	0	4	5	2	0	0	0	1	1	4	1	0	0	1	39 (10)
Citizen vs. gov't agency	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0 (0)
Neighborhood or nuisance	1	0	0	0	0	0	0	0	1	0	0	1	0	0	0	3 (1)
Other	2	0	2	0	0	0	0	0	1	0	1	1	0	0	0	7 (2)
TOTAL	206 (54)	0 (0)	72 (19)	43 (11)	5 (10)	1 (0)	0 (0)	0 (0)	6 (2)	7 (2)	11 (3)	18 (5)	1 (0)	4 (1)	6 (2)	380

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TABLE 3-9: D.C. MULTI-DOOR PROGRAM
CASELOAD SUMMARY: JANUARY-JULY 1985*

Types of cases

Landlord/tenant	62	(7%)
Small Claims	437	(51%)
Civil matters, not L/7 or small claims	212	(25%)
Domestic relations/family	62	(7%)
Employment issues	33	(4%)
Other	58	(7%)
Total	864	

Relationships between the parties - Not broken out (see Table 3-12).

<u>Agency referred to:</u>	<u>Intake Center</u>	<u>LRIS (January - April 1985)</u>
Court-based arbitration	3 (4%)	0
Small claims mediation	271 (31%)	0
D.C. Mediation Service	106 (12%)	35 (9%)
GWU Consumer Help Clinic	15 (2%)	65 (20%)
Howard U. Labor Law Clinic	4 (4%)	19 (4%)
Other Legal Assistance	66 (7%)	27 (7%)
Government resources:		52 (17%)
Dept. of Consumer & Regulatory Affairs	19 (2%)	
Office of Appeals/Fair Hearings	1 (4%)	
Rental Accommodations Office	24 (3%)	
Other	7 (1%)	
Citizens Complaint Center	23 (3%)	19 (5%)
Lawyer Referral and Information Service	107 (12%)	0
Social Service Agencies	20 (2%)	8 (2%)
Other	119 (13%)	119** (35%)
No referral	100 (11%)	
Total	885	354

Complainant demographics

Sex: Male	455	(51%)
Female	437	(49%)
Race: Black	707	(80%)
White	150	(17%)
Other	25	(3%)
Age: Under 18	5	(1%)
18-24	84	(10%)

25-34	280	(33%)
35-44	207	(24%)
45-54	117	(14%)
55-64	94	(11%)
65+	73	(8%)
Income: None	24	(4%)
\$1 - 6,499	135	(20%)
\$6,500 - 12,999	171	(25%)
\$13,000 - 19,499	170	(25%)
\$19,500 - 25,999	85	(13%)
\$26,000 - 49,999	76	(11%)
\$50,000+	16	(2%)

(In 1980, D.C. had a population of 638,000,
70% Black, 27% White, 3% Hispanic)

*All data are from the Intake Center in the Courthouse, except for cases referred to dispute resolution agencies by LRIS. LRIS intakes are done over the telephone; the Intake Center's are in person.

**Includes referrals to the Board of Professional Responsibility (14), D.C. Bar Fee Arbitration Board (9), Auto Cap or BBB (46), and Consumer Credit Counseling (31).

Table 3-10 District of Columbia
Relationships between the parties by Nature of the dispute

Relationship	Assault	Harassment/ Threat	IP/family	Money/property	Service	Employment	Landlord/Tenant	Consumer/merchant	Cit. vs. gov't/ company	Neighborhood/ nuisance	Other	Total
Close personal (married boyfriend/girlfriend, etc.)	5 (11)*	5 (11)	18 (39)	17 (37)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	1 (2)	46 (16)**
Friends	0 (0)	0 (0)	0 (0)	16 (94)	0 (0)	0 (0)	0 (0)	1 (16)	0 (0)	0 (0)	0 (0)	17 (6)
Acquaintances or neighbors	1 (7)	1 (7)	0 (0)	11 (73)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	2 (13)	0 (0)	15 (5)
Landlord/Tenant	0 (0)	2 (5)	1 (3)	23 (62)	2 (5)	0 (0)	7 (19)	2 (5)	0 (0)	0 (0)	0 (0)	37 (13)
Consumer/merchant	1 (1)	1 (1)	0 (0)	31 (32)	30 (31)	2 (2)	0 (0)	25 (26)	0 (0)	0 (0)	8 (8)	98 (34)
Employee/employer	0 (0)	0 (0)	0 (0)	5 (31)	0 (0)	10 (63)	0 (0)	0 (0)	0 (0)	0 (0)	1 (6)	16 (6)
Citizen vs. government or large company	0 (0)	1 (2)	1 (2)	18 (44)	3 (7)	1 (2)	2 (5)	0 (0)	6 (15)	8 (20)	1 (2)	47 (14)
Strangers, others	2 (13)	1 (6)	0 (0)	10 (63)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	3 (19)	16 (6)
Total	9 (3)	11 (4)	20 (7)	131 (46)	35 (12)	13 (5)	9 (3)	28 (10)	6 (2)	21 (7)	3 (1)	286 (100)

*Row percentages
**Column percentages

Table 3-11: District of Columbia
Type of Dispute by Type of Agency Referred to

Type of Dispute TOTAL	Mediation	Arbitration	Procs/D.A.	Court	Lawyer Referral	Law Clinics	SS/Comm. Agency	Consumer Agency	Gov't Agency	Legal Services	Private Attorney	Police	Private Agency	Prof. Agency	No Referral	Other	Total
Assault	2	0	0	0	1	0	0	0	0	0	0	0	0	0	5	0	8 (3)
Harrassment/Threats	2	0	3	0	1	2	0	0	1	0	0	0	0	0	0	2	11 (4)
Interpersonal	3	0	1	1	5	2	0	0	4	0	0	0	0	0	2	0	18 (6)
Money/property	61	2	4	7	14	3	1	1	12	4	1	0	1	2	17	1	131 (46)
Services	12	1	1	1	6	5	0	0	4	0	0	0	0	2	3	0	35 (12)
Employer/employee	1	0	0	1	3	5	0	0	0	0	0	0	0	0	3	0	13 (5)
Landlord/tenant	1	0	0	2	1	0	1	0	3	0	0	0	0	0	1	0	9 (3)
Consumer/merchant	11	0	0	3	1	5	0	0	4	0	0	0	0	0	4	0	28 (10)
Citizen vs. gov't agency	0	0	0	1	2	0	0	0	2	0	1	0	0	0	1	0	6 (2)
Neighborhood or nuisance	1	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	3 (1)
Other	3	0	0	0	3	4	0	0	4	0	0	0	0	1	4	2	20 (7)
TOTAL	97 (31)	3 (1)	9 (3)	16 (6)	39 (11)	26 (9)	2 (1)	1 (0)	34 (12)	4 (1)	2 (1)	0 (0)	1 (0)	5 (2)	40 (11)	5 (2)	284

CHAPTER 4: FOLLOW-UP RESULTS

"Let the forum fit the fuss" was coined by Maurice Rosenberg, former Assistant Attorney General and now a Columbia University Law Professor. That apt phrase foreshadowed the central goal of Phase I of the Multi-Door Centers. The purpose of Phase I was to establish intake and referral centers to diagnose disputes with sensitivity and knowledge, and refer citizens to appropriate forums for resolving the disputes.

In the previous chapter the caseloads of each of the three centers were described, and found to be large and diverse. Each center also used a large number of diverse agencies for referral resources for resolving disputes. The referral agencies included resolution mechanisms, such as mediation, arbitration, and landlord/tenant fact-finding programs; courts and court offices, such as the district attorney and city prosecutor; legal services, including lawyer referral services, university-based law clinics, and traditional legal aid societies; government agencies at the city, county, state, and federal level; social service agencies, particularly those serving families and the elderly; community organizations; and others. The referral agencies number well over 100 for each Multi-Door program. In this chapter, we will briefly review which agencies were used for different types of cases, describe the dispute resolution processes of those used most often, and present the results of the follow-up interviews which gathered information on whether the referral was followed-up and what happened there, and the

views of complainants toward the referral agency and the intake center itself. Our mission is to identify which types of agencies were most effective in resolving different types of disputes--in short, fit the forum to the fuss.

Before presenting the methodology and results of the follow-up tasks, recent developments in building dispute and forum typologies will be reviewed.

Matching Disputes to Forums

The problem of matching disputes to dispute resolution forums has been approached from two directions. Recently, attempts have been made to identify the characteristics of dispute resolution forums which differentiate one from another, to begin typology development. On the other side of the taxonomy problem is the need to identify key characteristics of disputes. Much of this developmental work has occurred in the mediation and adjudication research literature. None of the taxonomic work to date is empirically derived--rather, characteristics of disputes and forums have been identified on the basis of face validity and what logically seems to "hang together." Below, we will describe several approaches to the problems of typology development.

Dispute Taxonomies

Goldberg, Green, and Sander (1985) identify considerations which appear relevant for matching forums and disputes. They are:

1. The relationship between the disputants. The major distinction here is between ongoing and single interaction relationships.

2. The nature of the dispute. Polycentric problems (those without clear governing guidelines for decision-making and where any particular solution will have proliferating ramifications (Fuller, 1978)) are differentiated from others. Another important distinction is made between novel disputes requiring precedent and recurring applications of the same issue.
3. Amount at stake.
4. Speed and cost (from the parties' perspective). This characteristic may be considered a dispute resolution forum attribute, rather than a dispute characteristic.
5. Power relationship between the parties, referring to whether one party has significantly more or less bargaining strength than the other.

The nature of the dispute and the relationship between the parties are the primary characteristics of disputes--those which define a dispute and may be useful in determining which forum might be most effective. The dispute categories used by researchers studying mediation processes focus on these two distinguishing characteristics. Due to the nature of the caseload of most mediation programs, mediation research has tended to involve the study of disputes involving minor criminal and civil matters, primarily, but not exclusively between individuals with an ongoing relationship.

Ten dispute categories were used in the primary analyses of the caseloads and effectiveness of the Neighborhood Justice Centers (Cook, Roehl, and Sheppard, 1980). The two major distinctions were in the nature of the relationship and nature of the disputes. In regard to relationships, ongoing, interpersonal relationships (couples, friend, neighbors, etc.) were distinguished from more distant relationships (landlord/tenant, consumer/merchant, etc.). The major distinctions in types of

disputes were between those which involved primarily criminal matters (assault, harassment, threats, theft, etc.) and civil disputes over money, property, etc.

Davis and his associates (1980) studied the mediation of felony cases only, utilizing the following screening criteria; the nature of the relationship, type of charge (assault, burglary, etc.), seriousness (class) of felony charge, victim's injury, and victim's age. They also classified cases according to the strength of the relationship between complainant and defendant:

- . Strong ties (married, boyfriend/girlfriend, etc.)
- . Moderate ties (friends, extended family, and neighbors)
- . Weak ties (acquaintances and others)

Felsteiner and Williams (1980) used several classification schemes. The primary scheme classified cases according to disputant relationship, presenting complaint, and underlying problems. A three-tiered classification system was also derived for the "dispute level":

- . Level 1: One-shot disputes, with no apparent underlying emotional and/or behavioral problem(s) relevant to the resolution of the dispute.
- . Level 2: Disputes which are not a single incident, but consist of escalating misunderstandings. There are no apparent underlying problems.
- . Level 3: Disputes which are not a single incident, but do involve underlying problems.

Other classification schemes have been suggested by anthropologists and social psychologists. The anthropological view of Nader and Todd (1978) emphasizes the importance of the nature of the social relations between disputants. In particular, they

agree with Gluckman (1955) that the evidence across cultures points to the level of complexity of the relationship between the disputants as the crucial variable. They predict that relationships that are multiplex--involving many interests and a need to continue the relationship--will rely on negotiation or mediation in attempts to settle a dispute. Disputants in simplex relationships--single event encounters with little or no need to continue the relationship--will rely on adjudication or arbitration in attempts to settle their disputes.

The social-psychological perspective of Thibaut and Walker (1975) has identified three factors which they believe affects disputants' willingness to accede to third-party intervention. The factors of (1) temporal urgency (desire to settle quickly), (2) the absence of a clear preexisting standard for judging rival claims, and (3) outcome correspondence (commonality of outcome as opposed to an imbalanced winner-loser outcome) will tend to move disputants toward accepting third-party intervention. The work of Deutsch (1973), another social-psychologist, has stated the following major characteristics of a conflict:

1. Characteristics of the parties which are especially important in a conflict situation--values; goals; physical, intellectual, and social resources for waging or resolving conflicts; personality; and so on.
2. Relationship between the parties--closeness; length; attitudes, beliefs, and expectations about each other; trust; etc.
3. Nature of the dispute--scope, rigidity, motivational significance, periodicity, formulation, etc.
4. Social environment and its tradition and opportunities for conflict resolution.

5. Interested audiences to the conflict--their interests, characteristics, and relationship to the parties centrally involved in the conflict.
6. Strategies and tactics used by the parties in conflict --knowledge and application of processes such as coercion, persuasion, black-mail, ingratiation, seduction, etc.
7. Consequences of the conflict--gains and losses, precedents (basis for future relationship), reputation, etc.

This list illustrates both the strength and the weaknesses of the social-psychological classification approach: one suspects that these dimensions represent more fundamental determinants of dispute resolution than the more legalistic or easily observable categories drawn from the mediation literature, but many of them are very difficult to assess with accuracy.

Typologies of ADR Forums

Several researchers have begun the development of taxonomies of ADR forums.

Thibaut and Walker (1978, 1980) have identified two central characteristics of dispute resolution forums, process control and decision control. The first refers to the amount of control the disputing parties have over the dispute resolution process, particularly the presentation of evidence or "their side". In mediation, arbitration, and adjudication, the parties (theoretically) have control over the process. (We might question to what degree disputants--as opposed to their lawyers, the judge, and procedural rules of evidence--control the process in adjudication.) The degree of decision control held by the parties--control over the outcome of the dispute resolution process--varies substantially in these three procedures. In mediation, dispu-

tants have complete decision control; the mediator has no power to impose an agreement. In arbitration and adjudication, decision control is maintained by the neutral third party.

In a recent publication by the National Institute for Dispute Resolution (NIDR, 1983), the advantages and disadvantages of major ADR processes were reviewed. Dispute resolution techniques range from formal, rulebound processes to very informal negotiations. The major significant ways the different techniques vary include:

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

At the rulebound end of the continuum lies adjudication, in which parties are typically compelled to participate and are represented by counsel, decisions are made by third parties in accordance with law, formal procedures are followed, and decisions are enforceable by law. Closely related is arbitration, which may be less formal and decisions may be binding or not. Mediation lies somewhere in the middle, with leanings toward the informal end with voluntary participation, disputant decision control, and relaxed rules.

The National Institute for Dispute Resolution policy review also identified a cogent list of advantages and disadvantages associated with dispute resolution mechanisms. Because of the extensive use of adjudication and mediation in the Multi-Door programs, their advantages and disadvantages, which form the beginnings of a dispute forum typology, will be listed here. This list is drawn from Table 4, in the appendix of Paths to Justice (NIDR, 1983):

Advantages

1. Court adjudication

Announces and applies public norms
 Precedent
 Deterrence
 Uniformity
 Independence
 Binding/closure
 Enforceability
 Already institutionalized
 Publicly funded

2. Mediation

Privacy
 Parties control process
 Reflects concerns and priorities of disputants
 Flexible
 Finds integrative solutions
 Addresses underlying problem
 Process educates disputants
 High rate of compliance

Disadvantages

1. Court adjudication

Expensive
 Requires lawyers and relinquishes control to them
 Mystifying
 Lack of special substantive expertise
 Delay
 Time-Consuming
 Issues redefined or narrowed
 Limited range of remedies

2. Mediation

Lacks ability to compel participation
 Not binding
 Weak closure
 No power to induce settlements
 No due process safeguards
 Reflects imbalance in negotiation skills
 Lack of enforceability

No compromise
Polarizes, disruptive

Outcome need not be
principled
No application/
development of
public standards

This comprehensive list of advantages and disadvantages reflects the major characteristics of adjudication and mediation and emphasizes their differences. West (1984) also discusses the capabilities of the major ADR processes and compares and contrasts them. Similar to mediation's advantages listed above, West identifies four benefits of mediation which recommend its use over adjudication and other forms of dispute resolution in certain situations. The four benefits are: (1) parties have control of the process, (2) flexible solutions are possible, (3) the process itself can educate the parties and help preserve an ongoing relationship by helping them deal with future disputes, and (4) the rate of compliance is higher for mediated agreements than for other types. West concludes mediation is preferable where no authoritative legal standard exists and where disputes are polycentric.

A "Dispute Resolution Matrix" has been developed by a group of experts working with the Department of Justice. The matrix identifies major ADR forums and dispute sectors (consumer, housing, discrimination, family, etc.). The cells of the matrix (identifying which forums fit which sectors) are yet to be filled in. The Multi-Door follow-up results may contribute to that process.

We will return to these characteristics of dispute resolution processes after presenting the follow-up results for cases referred to the full range of options.

Methodology for Follow-up Interviews

The bulk of information in this chapter is drawn from over 1,200 follow-up interviews conducted with complaining parties between one and six months after intake at the Multi-Door Centers (most were interviewed within two months of intake). In Tulsa, and Houston, cases were randomly selected from computerized lists of case numbers; in the District of Columbia, attempts were made to follow-up every case of the first 440. Between 60 and 70% of all attempted follow-up interviews were completed. The major reason for not completing the interview was being unable to reach the complainant, typically because the intake specialist did not record the phone number and no listing was available. There were also a substantial number of disconnected phone numbers and some complainants had moved. There were very few refusals. The follow-up sample consists of 455 cases from Tulsa, 463 from Houston, and 288 from D.C.

The telephone interviews were conducted by individuals hired and supervised by ISA staff. Tulsa interviews were conducted by contractual interviewers and verified by central ISA staff by re-calling a randomly selected sample. The Houston interviews were conducted by ISA's on-site analyst and D.C. interviews were conducted by locally recruited interviewers. The follow-up interview were augmented by information collected from Multi-Door staff, referral agency, and on-site observations.

The verifications of the Tulsa interviews simply confirmed that the interview did take place, and were done because close supervision of the interviewers was not possible. In D.C. and Houston, no verifications were done or deemed necessary because of our ability to supervise the interviewers and, in Houston, our ongoing working relationship with and confidence in the on-site analyst. The follow-up data were difficult to interpret at times because of the intricacies of disputes, the number and variety of resolution attempts, and the sometimes faulty memories and confusion of the complainants. It was often difficult to ascertain exactly which agency did what--when uncertain, our coding of answers was conservative.

The Tulsa Citizens Complaint Center

As previously described, the Multi-Door caseload in Tulsa was composed primarily of civil disputes, including consumer disputes, landlord/tenant problems, problems citizens report with government agencies, and disputes involving money and/or property. The majority of the relationships between the parties were impersonal; disputes tended to be between consumers and customers, landlords and tenants, citizens and government agencies, and neighbors.

The primary referral agencies utilized by the Tulsa intake centers were (in order of use):

1. City Prosecutor. The majority of cases referred to the city prosecutor involved charges of assault, harassment, threats, and neighborhood problems. When the prosecutor's office receives the case information from the intake center, the first step is to

assess the case from a prosecutorial viewpoint. A letter is sent to the responding party (defendant, in the eyes of the prosecutor) to ask for his or her side of the story. The complainant may be contacted to provide additional information, including signed witness statements. Warning letters may be written to some respondents--an example is the typical barking dog problem between neighbors. The majority of the cases referred to the prosecutor were referred by the Police/Prosecutor Complaint Office, the intake center in the Municipal Courthouse. In effect, this intake center is serving as the initial screening point for the prosecutor for most citizen-initiated cases. Over time, the Complaint Office has assumed some of the prosecutor's initial tasks, such as documenting evidence (for example, physical signs of violence) and asking complainants' to obtain witness statements.

As in any prosecutor's office, only a small proportion of all cases received are ultimately prosecuted. The Tulsa prosecutor estimates a clearance rate of 20% for all crimes, with a 1% conviction rate; perhaps 10% are actually prosecuted. The prosecutor refers cases to Early Settlement if appropriate.

2. Early Settlement. This is Tulsa's mediation program, which was created in 1982 by the current Multi-Door program director under the name of Project Early Settlement, and is sponsored by the Municipal Court. Early Settlement handles all types of disputes, but primarily those involving money or property, assault, harassment, relationship problems, and animal disturbances. In recent months, the caseload has been dominated

by money and property disputes primarily between consumers and merchants, landlords and tenants, and neighbors. The Multi-Door intake specialists tend to refer neighborhood and consumer problems to Early Settlement.

The intake staff works closely with Early Settlement staff. At the beginning of the Multi-Door project, citizens were simply referred to Early Settlement. Now, intake specialists schedule a mediation hearing at the convenience of the complainant and send the intake form to Early Settlement; mediation staff contact the respondent regarding the complaint and hearing date. The dispute resolution process is quite similar to other mediation programs. A hearing is scheduled to enable both parties to meet at length with a trained mediator, who attempts to facilitate an agreement to end the dispute but has no power to make decisions. Hearings are held for about 40% of all cases handled by Early Settlement and another 18% are resolved prior to a hearing by mediation staff. Approximately 80% of all hearings result in an agreement. These figures are comparable to those of other mediation programs.

During the first two years of Early Settlement, approximately 45 cases were handled each month, with about 15 actual mediation hearings each month. In mid-1985 after the Multi-Door program had been open a year, the Early Settlement caseload had doubled. The mediation program director (a former Multi-Door intake specialist) attributes part of the increase to the Multi-Door referrals and part to her own outreach efforts in early 1985.

3. City and county agencies. Tulsa had many more disputes that involved citizens and government agencies than the other two Multi-Door sites, partially due to the intake point located in the television action line. These disputes involved traffic and safety problems (stoplights needed, bridges washed out, etc.), complaints about city services (trash pick-up, etc.), employment and welfare issues, and a few complaints about the police, politicians, and other city officials. Tulsa has city and county commissioners in charge of the public safety, sewage and water, police and fire, etc., offices; the majority of cases referred to city or county agencies were referred to these elected officials. The mayor's office also served as a referral resource. State and federal agencies were used for veteran's problems, employment discrimination charges, and other miscellaneous problems.

The dispute resolution services of the city and county agencies vary. The typical approach, based on follow-up interviews, is that the commissioner is apt to listen to the citizen's complaint and pledge to take action, or explain why nothing can be done, usually because of budget constraints. There appear to be no formal dispute resolution processes.

4. Better Business Bureau. The fourth most often used referral agency was the Better Business Bureau, to which consumer disputes were referred; some landlord/tenant, employment, and other disputes were also referred to the BBB. The Tulsa BBB handles consumer disputes in the following manner. The consumer is asked to put the complaint in writing and send it to the

BBB. The consumer's letter is then forwarded to the company or merchant with a BBB form letter asking that the company resolve the dispute. If no response is received after three form letters have been sent to the company, the complaint is recorded in BBB files as unadjusted. The BBB often calls this process mediation, which it is clearly not by any standard definition of the process. The BBB tries to help the consumer in two ways, by intervening as above in the dispute and by preventing future consumer problems by informing citizens of unadjusted complaints. If a complaint is unadjusted, the Multi-Door intake specialist contacts the citizen and refers them to other resources, often Early Settlement, small claims court, and state-level commissions and labor boards.

The Tulsa BBB also participates in the automotive arbitration program sponsored by the Council of Better Business Bureaus in conjunction with General Motors and several other automotive manufacturers. As described earlier, the Multi-Door program director helped create the arbitration program and Early Settlement mediators have been trained as arbitrators. A former Multi-Door intake specialist now manages the BBB automotive program. When a car owner makes a complaint, the information and desired outcome are sent to the automotive company; the dispute may be resolved through the mail. If the company makes an offer the consumer rejects or refuses to make any settlement, an arbitration hearing will be scheduled. Each party receives the names and backgrounds of three arbitrators, and when one is agreed on, the hearing takes place. Both sides present their

evidence (these disputes usually have to do with warranty problems and repair bills, and may involve paying for repairs, replacing parts, or buying the car back), and the arbitrator makes a decision some time after the hearing. The arbitrator's decision is binding on the company but the citizen may appeal if desired.

Use of, outcomes, and satisfaction with referral agencies.

Tables 4-1 through 4-4 present information on the Tulsa citizens' use of, success rate, and satisfaction with various referral agencies (again, for ease of reading, all tables appear at the end of this chapter). Due to the large number of referral agencies used, data on individual agencies will be provided directly to the local programs. For this report, the agencies have been grouped into categories based on similar types of dispute resolution strategies.

As described in Chapter 3, the nature of the dispute as well as the location of the intake point is related to the type of agency the complainant is referred to first. The prosecutor's office received assault, harassment, threat, and neighborhood problems. Neighborhood and nuisance problems were also referred frequently to mediation and government agencies. Consumer disputes were referred to government agencies (such as consumer protection agencies), consumer agencies (the BBB, for example), and Early Settlement. Disputes citizens have about city and county services were referred to appropriate local government agencies.

Half of the citizens receiving referrals from intake specialists called or went to the primary agency they were referred to (Table 4-1). The major reasons for not using the referral agency were (in 34% of the cases the reason is unknown): not remembering or understanding a referral was given (36%), not wanting to use that type of resolution strategy (14%), deciding to drop the case (12%), and having the dispute resolved already (12%). The user rates vary among the different types of referral agencies, with professional societies and the prosecutor's office having the highest rates (91% and 72% of those referred there followed-up). A referral to the prosecutor by the PPCO intake specialist often does not require the complainant to do anything to initiate dispute processing--the prosecutor's complaint form is completed at the intake office and forwarded by the intake specialist. Over half of the complainants went to or called consumer agencies, government agencies, and the police. Lowest use rates were for private attorneys and social service agencies. Forty percent of the citizens referred to Early Settlement followed through on the referral.

Of the 50% of the citizens following up on the referral, what happened there? Resolution of the dispute occurred in 24%, the referral agency did not follow through in 10%, the complainant dropped the dispute in 8%, and got information only in another 8%. In 14% some action was taken (a mediation hearing was held, the complainant received a court judgment in their favor, etc.). These actions did not necessarily resolve the dispute. The rest had various dispositions, such as respondent

refusals to participate in mediation (4%); at least 22% were not resolved in any satisfactory way.

Tables 4-2 and 4-3 present additional outcome data. The outcome information above refers specifically to the outcome resulting from the initial resolution action. The outcomes below refer to the outcome at follow-up, which may be different from initial results. For example, if an agreement is not upheld, the dispute may be resolved at follow-up. At the time of the follow-up interview, 43% of the complainants reported the dispute as fully or partially resolved, and 4% reported the dispute was pending action, usually in court proceedings. Some types of disputes were more apt to be resolved than others--these are consumer/merchant problems, including service issues; landlord/tenant disputes; and disputes over money and/or property. As discussed earlier, these disputes typically involve individuals with impersonal relationships, if any. Interpersonal and family disputes, assault, and harassment and threat charges, usually between individuals with close relationships, had the lowest resolution rates.

The agency the complainant was referred to was not always the agency or resource which ultimately helped resolve the dispute. As shown in Table 4-3, 46% of the disputes were reportedly resolved by the parties themselves, usually through the complainant working directly with the respondent in some way. In many of these cases, resolution was helped or instigated by a referral agency. For example, requests to attend a mediation hearing or a summons to small claims court may encourage the

parties to work out the problem themselves. Excluding resolutions attributed to the parties themselves, assault charges were most often resolved by prosecutors or the courts and harassment and threat charges were resolved by the prosecutor and private attorneys. Disputes over money and/or property were resolved through private attorneys, mediation, and the prosecutor. Consumer disputes were resolved via government agencies, private attorneys, consumer agencies, and mediation. Neighborhood problems were resolved by government agencies (zoning departments, building departments, etc.), mediation and court offices.

Nearly two-thirds of the citizens utilizing referral agencies were satisfied with their experience and treatment there (Table 4-4). Highest satisfaction rates appeared in social service agencies, consumer agencies, police, professional agencies, legal services, and mediation. Lower rates (only slightly below average) were reported by citizens using the prosecutor's office and government agencies. When asked if they would use the referral agency again, 74% said they would and another 4% thought they might, depending on the circumstances. Most of these citizens were pleased with the agency even if resolution was not achieved. Others said places like the prosecutor's office were the "only game in town" and they would use it out of necessity rather than desire.

The District of Columbia Multi-Door Dispute Resolution Center

The bulk of the D.C. Multi-Door caseload consisted of civil disputes--most of the cases involved small claims, service problems, consumer disputes, and other non-criminal disputes.

A small number of cases involved assault, domestic relations, or interpersonal or family problems. The majority of the relationships between the parties were impersonal; many were consumer/merchant, involved citizens and government agencies, or were landlord/tenant relationships. Nearly a quarter of the caseload, however, involved people with a close personal relationship, with the most common problem being a dispute over money or property.

The primary referral agencies used by the D.C. program were (in order of use):

1. Small Claims Mediation. The Small Claims Mediation program is part of the D.C. Multi-Door Program--it was opened in April 1985 as the first new "door." The program offers day-of-trial mediations as previously described, as well as mediations scheduled at the parties' convenience. The Intake Center refers a number of cases to small claims mediation hearings, which are conducted by mediators from the D.C. Mediation Service (day-of-trial hearings are conducted by a specially trained group who mediate only small claims matters). If an agreement is reached on the day of trial, the case is dismissed in small claims court (enforcement procedures and other details may be found in Chapter 2).

2. D.C. Mediation Service. The D.C. Mediation Service is part of the Citizen's Complaint Center, which also houses representatives of the U.S. Attorney's Office and D.C. Corporation Counsel. The Mediation Service handles interpersonal

disputes involving civil and minor criminal charges. The vast majority of the disputants have a close personal relationship--couples, family member, friends, or neighbors--and the disputes are apt to involve assault, threats, and money and/or property issues.

The Mediation Service is a voluntary process. Cases are initiated by complainants and respondents receive a letter requesting their attendance at a mediation hearing. Research conducted by ISA in 1981 indicated that about half of all cases were mediated, with a 75% agreement rate, and another 10% or so were resolved prior to a hearing. As in other mediation programs, the hearings are conducted by a trained mediator and the outcome of the case is under the parties' control.

3. Lawyer Referral and Information Service. The Intake Center used the LRIS as its third most common referral source. LRIS is sponsored by the D.C. Bar Association, and operates in a manner similar to most lawyer referral services. Citizens contacting the LRIS are referred to an attorney specializing in the area of their dispute, if LRIS determines the case might be appropriately handled by a private attorney. Initial screening is completed by the Multi-Door intake staff, but a brief intake is conducted by the LRIS legal assistants in order to assign appropriate attorneys. The LRIS referral enables the citizen to discuss the dispute with an attorney for a flat fee of \$20, and explore the options available for resolving the dispute.

4. Government Agencies. The D.C. Multi-Door Intake Center used a number of city government hearings for resolving dis-

putes. Two of the most common ones were Consumer and Regulatory Affairs, which handles consumer matters, and the Rental Accommodations Office (R.A.O.), which handles landlord/tenant disputes. The R.A.O. provides information to tenants about D.C. landlord/tenant law, cites landlords for violations if warranted, and may hold hearings to help facilitate a dispute.

5. University-based Law Clinics. The District of Columbia law schools (Georgetown, George Washington, American, Catholic, Howard, and Antioch University law schools are all in D.C.) offer law clinics staffed by their students. Howard University's clinic specializes in labor law, and GWU specializes in consumer disputes. When a case is accepted by the GWU law clinic, a law student meets with the citizen and may take the case on, if appropriate. According to the program director, the law students serve as third parties in an informal dispute resolution process. They contact the business and help facilitate a resolution between the business and consumer, using conciliation and mediation skills. The consumer help clinic resolves about half of the 500 cases it handles each year, and the process may take several months.

At other university-based law clinics, students function more like attorneys than neutral third parties in dispute resolution. Under the supervision of an attorney, the law student may provide free legal representation to a client. The GWU consumer help clinic services are offered free to anyone; some of the litigation law clinics restrict their services to low-income clients.

Use of, outcomes, and satisfaction with referral agencies.

Tables 4-5 to 4-8 present information gathered from follow-up interviews with citizens using the D.C. Intake Center. Of the 288 cases followed up, seven were from the intake staff at the Lawyer Referral and Information Service (follow-up of LRIS cases was inhibited by the lack of phone numbers gathered by LRIS intake staff during the early months of the Multi-Door program). Thus, the information presented below is drawn primarily from cases handled by the Intake Center in the Superior Courthouse. The relationships between casetypes and where they were referred were discussed in Chapter 3. Mediation is the most common dispute resolution process suggested for the D.C. cases.

As indicated in Table 4-5, the majority of the complainants (72%) called or went to the primary referral agency recommended by the intake specialists. The "use rate" was especially high for mediation services, court, the law clinics, and government agencies (ignoring for the moment the categories with very small numbers of cases--these can be seen in Table 4-5).

The reasons given for not calling or going to the agency referred to by the intake center varied. Sixteen percent of the complainants did not remember or understand that a referral was given, 15% had resolved their dispute prior to calling the referral agency, 12% thought it would be useless or unnecessary, 13% either decided to drop the dispute or put off trying to resolve it until some unknown future time, and the rest offered assorted reasons (tried agency previously without luck, knew the respondent would not participate, etc.).

Of the 174 citizens who called or went to the first referral agency given (13% were referred to two places; 2% to three), 30% reported that the agency action helped resolve their dispute, at least initially. Of this group, 24% had participated in mediation hearings which ended in agreements, 12% received a court judgment in their favor, and the rest did not provide details on the resolution. Of those not reporting any initial resolution, 13% were pending action at the original referral agency at the time of follow-up. In 24% of the cases, the respondent did not show up for a scheduled mediation hearing, and in 17%, the complainant reported that no actions were taken and no resolutions were achieved. Seven percent of those who used the referral agency received information, but no action or resolution.

The outcome of the case at the time of follow-up may be different from the outcome of the case after initial contact with the primary referral agency. Cases which appeared to be resolved (via an acceptable agreement or court judgment, for example) may be reported unresolved at a later date, while others initially unresolved at the primary referral agency may be resolved by other means. At the time of follow-up, 33% of the cases were reported to be resolved, with another 24% pending (Table 4-6). Many of the pending cases were money/property disputes primarily pending in small claims court. The types of cases with the highest resolution rates were harassment/threat cases, interpersonal problems, disputes over money and/or property, consumer disputes, and citizen vs. government agencies cases. Low

resolution rates were found for assault cases, employer/employee disputes, landlord/tenant disputes, and neighborhood or nuisance problems.

Table 4-7 presents information regarding which agency actually resolved the disputes, whether or not the complainant was actually referred there by the Intake Center. Twelve percent of the cases were resolved by the parties themselves, quite possibly facilitated by contact with a resolution agency. Six percent were resolved with the help of the Intake Center calling the respondent or taking other action. Money and/or property disputes were resolved by mediation, court processes, private attorneys, and government agencies. Consumer disputes, including service problems, were apt to be resolved by court, followed by law clinics, private attorneys, and mediation processes. Consumer disputes involving only monetary issues (which in Tables 4-7 are included under money/property disputes) were resolved primarily by court and law clinics.

In spite of the low number of initial referrals to court, many disputes were ultimately resolved by adjudication. Other alternative modes of resolution were attempted prior to court for many of these cases. After court, mediation processes had the highest resolution rates.

Two-thirds of the complainants were fully or partially satisfied with the experience at the primary referral agency (Table 4-8). Government agencies, law clinics, LRIS, and mediation services had higher satisfaction rates than court and other agencies, although the categories have too few cases in

them to draw any firm conclusions. As was found in Tulsa, more complainants reported they would return to the referral agency in the future than reported satisfaction with it. Three-quarters of the citizens said they would return or thought they would.

Houston's Dispute Resolution Center

Houston's caseload was qualitatively different from Tulsa's and D.C.'s, which were dominated by civil disputes and impersonal relationships. To summarize the caseload information presented in Chapter 3, the Houston caseload was composed of minor criminal and civil disputes, with two-thirds of the disputes between citizens with close relationships. This situation results in part from the district attorney's screening criteria for disputes handled by Multi-Door intake staff. Eighty-six percent of the Multi-Door follow-up sample is from the D.A.'s intake point and, as previously discussed, the D.A. case criteria for Multi-Door cases are that the disputes involve no serious injury or use of weapons and are between individuals known to each other.

The primary referral agencies used by the Houston center were (in order of use):

1. The Neighborhood Justice Center. The Houston NJC is a large mediation program, similar to others with close connections to the established justice system. The NJC, as has been said, is very closely affiliated with the Multi-Door program, and both the intake and mediation services now operate under the program title "Dispute Resolution Centers." The mediation process is much like those in Tulsa and D.C. and will not be reviewed here. One difference is the use of "ventilations," a process developed by

the Houston NJC several years ago. A ventilation is held when a party, usually the respondent, does not show up for a scheduled hearing. The mediator then meets with the party present to discuss the dispute and possible options for resolving it. This ventilation reportedly helps the citizen to, well, ventilate, and plan a new course of action.

2. Justice of the Peace Courts. The judicial system in Texas includes Justice of the Peace (JP) courts. The 16 JPs in the Houston area are elected justices with jurisdiction over certain civil and minor criminal matters within a geographical boundary. They hear civil disputes up to \$1,000, which results in a caseload of largely small claims, consumer, and landlord/tenant problems, as well as "class C" misdemeanors, for which the maximum penalty is a \$200 fine. The Justice of the Peace courts function like other courts in terms of summons and enforcement power, etc., although they do not seem to be held in the same esteem. The Chief Justice of the JP courts reports that the organized Bar does not recognize JPs as part of the judicial system, for example.

3. City prosecutor. The city prosecutor handles class C misdemeanors as well, plus traffic violations. The prosecutor's office does not investigate cases after intake, but due to the nature of the cases, takes them directly to court.

4. District Attorney. The district attorney's office for Harris County handles a wide variety of criminal disputes, both misdemeanors and felonies. To determine if filing charges is warranted, an assistant district attorney talks to the com-

plainant in person and then contacts the respondent for his or her side of the story. About 10 to 25% of the cases result in charges being filed.

Use of, outcomes, and satisfaction with referral agencies.

Tables 4-9 to 4-12 present information on the use of referral agencies by citizens using the Houston Multi-Door program, the outcome of their disputes, and citizen satisfaction with the dispute resolution process.

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

As discussed in Chapter 3, mediation was the primary referral resource for most cases, particularly those involving harassment or threats, money or property, and consumer disputes. Only assault charges were apt to be regularly referred elsewhere, and they tended to be referred to the district attorney. Cases involving charges of minor assault (typically simply rough physical contact such as a shove) were referred to mediation.

Overall, 56% of the complainants called or went to the primary referral source suggested by the intake specialist. In the case of referrals to the NJC, district attorney, or prosecutor, all complainants in a sense call or go there. The intake specialists schedule the mediation hearings if the complainant is amenable to it during the intake interview. Referrals to the D.A. or prosecutor by specialists located in those offices result

in an interview by the attorneys at the time of the Multi-Door intake. These cases may not be followed through by the complainant; 51% did not continue with the NJC process and 23% withdrew from the prosecution process. The lowest rate of follow through with a referral was found in court referrals--only 37% of the complainants followed up on referrals to court.

At the time of follow-up, 52% of the complainants reported the dispute was resolved, and 23% reported that it was pending (Table 4-10). The highest resolution rates were found in harassment/threat disputes and money/property disputes (the 100% resolution of landlord/tenant and neighborhood disputes is based on very small numbers and should not be viewed as a stable outcome). The lowest rates of resolution were found in employer/employee and consumer/merchant disputes.

With the exception of assault cases, all types of cases were most frequently resolved via mediation, as shown in Table 4-11. The district attorney's office resolved 42% of the assault cases, while mediation resolved 31%.

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

Citizen Satisfaction with the Intake Centers

The majority of the citizens using the intake centers were satisfied with their experience (Table 4-13). Ninety percent were fully or partially satisfied and 92% were apt to return. Citizens often commented on the friendliness and helpfulness of the intake specialists and appreciated having someone to talk to in-depth about the problems. Even when referrals were not followed up or cases remained unresolved, citizens were typically satisfied with intake, saying the intake specialist provided helpful information, gave them ideas of how to go about resolving the problem, or simply told them there was little that could be done.

About two-thirds of the complainants reported the intake center helped with their dispute. When the answer to this question was negative, it was often because the complainant interpreted the question as whether the center helped resolve the dispute, and if it was not resolved, the answer was no. Citizens were not always sure what to expect from the intake center. (This question was not asked in Houston because most citizens were coming to the D.A.'s intake point with no knowledge of the Multi-Door program.) Many expected the center to intervene directly in the dispute by investigating the complaint or dealing with the other party. The question regarding the intake center's help elicited contrasting responses from citizens. Some said "No, the intake center was not helpful. All they did was to refer me to [someplace else]." Others said "Yes, the intake center was very helpful. They referred me to [some agency] for

help." Some citizens are better informed than others about the Multi-Door services, partially due to how they learned of the program. For example, promotional flyers are explicit about services and provide citizens with substantial information. Other advertisements, by necessity, were much briefer and vaguer (for example, Tulsa's billboard saying "where to turn--when you don't know where to turn"and public service announcements in D.C.) and may have led citizens to expect more assistance.

Although citizens were very satisfied with each intake center, Table 4-13 depicts differences between them in satisfaction rates. In Tulsa, there was substantial confusion about the intake centers and what they are expected to do. A good number of citizens believed they were contacting the agency housing the intake specialist (the BBB, Troubleshooters, prosecutor's office, or bar association), rather than the Multi-Door Center. In Houston, no publicity about the Multi-Door program had been generated during the first six months or more of operations. Citizens filing disputes with the district attorney spoke with Multi-Door intake specialists, presumably without being entirely cognizant of that fact. In the District of Columbia, there is less confusion about the Multi-Door Center, due to its name, publicity, location, and advertised services.

Other factors related to site differences may include the type of intake (virtually all Houston and D.C. intakes are face-to-face, while at least 69% of intakes in Tulsa are by phone), the nature of the disputes handled by the centers (civil vs. criminal, relationship vs. non-relationship cases, etc.), and

individual differences among intake specialists and processes.

Relationships with Referral Agencies

To complete the follow-up study, interviews were conducted with the referral agencies used most often by the Multi-Door intake specialists. The interviews were intended to gather information about how the referral agencies viewed the Multi-Door program, what impact the Multi-Door referrals had on the agency, the appropriateness of the cases for the referral agency, and the dispute resolution process of the agency.

A noteworthy finding of these interviews was obtained during the process of identifying the major referral agencies and officials who should be interviewed. With rare exceptions, the same agencies that serve as the primary referral agencies for the Multi-Door intake and referral centers were the same agencies housing intake specialists. In Tulsa, the major referral agencies include the prosecutor's office and Better Business Bureau; in Houston, they are the Neighborhood Justice Center, district attorney's office, and Justice of the Peace; and in D.C. they include the Lawyer Referral and Information Service, the Citizens Complaint Center housing the Mediation Service, and small claims court mediation service. All these referral agencies are current or future intake points.

Overall, the views of the representatives of the referral agencies were very positive. Those housing intake specialists were pleased and grateful with the Multi-Door services, stating they had eased or supplanted the intake burden of the agencies. The program representatives were also pleased that assistance was

being provided to citizens whose cases were not appropriate for the referral agency. The district attorney's office in Houston reported they had reduced their intake staff by one public attorney and one clerk. The agencies felt the intake specialists were doing a very good job and making appropriate screening and referral decisions.

The majority of the agencies housing intake specialists felt that the Multi-Door intake services enhance their own services and make a positive contribution to their public image. The Tulsa police representatives expressed satisfaction with being able to present citizens with an option other than arrest or doing nothing. The Houston Chief Justice of the Peace felt the Multi-Door intake services performed a function "every court needs" - serving as a link to citizens. Only the Tulsa BBB sounded a negative note, feeling that the Multi-Door program was getting credit for BBB services. For the most part, we feel that credit was usually applied in the other direction, i.e., given to the agency housing intake rather than the Multi-Door program. For example, one Houston citizen commented after talking to an intake specialist at the D.A.'s office -- "I'm going to vote for [the D.A.] next time. He's doing a great job."

The agencies which receive Multi-Door cases, whether they house intake specialists or not, were very satisfied with the referral relationship. They felt, by and large, that the cases referred to them were appropriate. In some cases, there were adjustments made to define more clearly the agencies' case criteria. The agencies felt they benefitted from receiving

appropriate cases which increased their caseloads. The Director of the D.C. Complaint Center discussed the two-way educational benefits of their connection to the Multi-Door program. The Multi-Door program gives the Complaint Center (particularly the mediation service) more credibility and a stronger tie to Superior Court, and in turn, the court has an increased consciousness of mediation. Several agencies expressed a desire to have closer communication and contact with the Multi-Door program. The only negative reaction came from Houston's Lawyer Referral Service, where the director was not fully aware that the Multi-Door program was operational and felt that many referrals were inappropriate (particularly those cases with such small claims that attorneys would not accept them).

One objective of Phase I of the Multi-Door program was to reduce the runaround many citizens encounter in trying to resolve disputes, particularly in having to tell their story over and over. In all three sites, referrals to mediation do spare the citizens repetitive recitals; the case is scheduled for mediation by the intake specialist and no second intake occurs. Referrals to prosecutors and D.A.'s also involve just the one intake. Some form of intake is repeated in lawyer referral services and law clinics, at minimum.

Summary

Tables 4-14 to 4-17 summarize the follow-up results. Outcomes from all three centers are combined and categories have been collapsed to enable patterns to be discerned. Before summarizing the data, some explanation of categories is needed.

In Tables 4-14 and 4-16, the relationships between the parties have been collapsed to include close relationships not easily broken (couples and friends), semi-close relationships (acquaintances and neighbors), distant relationships (distant at best -- consumer/merchant, landlord/tenant, and employer/employee relationships), and cases with no relationship between the parties (citizen vs. government agencies or huge companies, and strangers). In Tables 4-15 and 4-17, the variable called "casetype" has been formed based on the parties' relationship and nature of the dispute (site-specific tables were based on the dispute only). The casetype categories are:

- 1) Assault--includes all assault cases regardless of the relationship (the vast majority are close or semi-close).
- 2) Harassment/threats and Interpersonal/family - like assault cases, these include all these types of disputes regardless of the relationship, yet tend to be disputes between those with close or semi-close relationships.
- 3) Neighborhood/nuisance cases - again, these disputes may be found in any relationship, but are mostly between neighbors.
- 4) Money and/or property disputes - this category excludes all distant relationships, primarily consumer/merchant. It includes money/property disputes between parties with a close, semi-close, or no relationship.
- 5) Landlord/tenant cases - includes all disputes between landlords and tenants, including upkeep and monetary issues.
- 6) Consumer/merchant - includes all disputes between consumers and merchants, including money, service, and product issues.
- 7) Employer/employee - includes all disputes between employers and employees including purely monetary issues.

- 8) Citizen vs. government or large company - includes all types of disputes citizens have against government agencies, utility companies, and large corporations.
- 9) Other - includes all disputes not fitting any category above.

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

Of the 1206 cases with completed follow-up interviews, 43% were resolved at the time of the follow-up and 14% were pending (i.e., the complainants reported their cases were still active in some dispute process). Of those resolved, 73% were resolved by:

- (1) The parties themselves (28% of all resolved cases)
- (2) Mediation (21%)
- (3) Prosecutors, district attorney, or police action (12%)
- (4) Lawyers (12%)

While the parties most frequently credited themselves with resolving their disputes, the majority had tried other ADR processes first. A typical example is one in which the complainant is referred to mediation and the mediation program contacts the respondent. The respondent refuses to attend a mediation hearing; but at a later date, the two parties resolve the problems themselves. Complainants may also talk to an assistant city prosecutor or law clinic staff and receive assistance or information; the role of ADR agencies in disputes resolved by "the parties themselves" is not fully known. (If a dispute is resolved due to a prosecutor's letter, court summons, notice from the welfare department, etc., received by the respondent--even

with no direct contact between the respondent and the agency--the appropriate agency receives the resolution "credit". Prosecutor letters sometimes have a resolution effect.)

Mediation processes, which are quite similar across the three sites, were credited with resolving 21% of all resolved cases. Government agencies resolved 9%; these include agencies which intervene in external disputes (e.g., enforce building codes to resolve a neighborhood problem) or resolve disputes against themselves (e.g., the Social Security Office returns an individual's funds withheld unlawfully).

Prosecutor and district attorney offices, courts, and attorneys had similar rates of resolution (between 9-12%). These three types of agencies also had high numbers of pending cases--over half of the cases pending at the time of the follow-up interview were pending in these agencies.

Fitting the forum to the fuss. As shown in Tables 4-14 to 4-17, there are significant relationships between case characteristics and the key outcome variables of if and where cases are resolved. The closer the relationship between the parties, the more apt the dispute is to be resolved (Table 4-14) and to be resolved by mediation (Table 4-16). Perhaps the most interesting outcome depicted in Table 4-16 is that the most common resolution agent for cases involving parties with distant relationships are the parties themselves.

The overall resolution rates, irrespective of how or where the cases were resolved, were:

	Resolved or partially resolved	Not resolved
Harassment/threats/ interpersonal	47%	42%
Money and/or property	47%	40%
Landlord/tenant	46%	40%
Consumer/merchant	43%	41%
Neighborhood/nuisance	43%	53%
Assault	40%	37%
Citizen vs. gov't/large company	37%	51%
Employer/employee	31%	50%

As shown, there are not large differences in the resolution rates of different types of cases, but there are differences in where they were resolved.

Assault cases were most often referred to and resolved by the prosecutor's or D.A.'s office (most assault cases were in Houston, and were usually handled by the Harris County D.A.). The assault charges were typically between individuals with ongoing relationships, and may have involved power disparities, although the complainant was female just 50% of the time. Violence was present but rarely severe in the cases seen by Multi-Door intake specialists.

Disputes over money and/or property were most often resolved via mediation. These disputes were primarily between individuals with ongoing, fairly close relationships. Prosecutor/D.A. handling was also an effective method in 14% of the cases.

Harassment/threat and interpersonal/family were most often resolved by mediation, followed by the parties themselves. These were primarily between individuals with a close, personal relationship; many of these disputes were between couples, married or not. They may have involved minor criminal charges,

but were apt to be mainly troubled interpersonal relationships requiring assistance outside the formal legal system. Interpersonal/family cases were resolved most often by mediation, but closely followed by government agencies. A number of these cases were domestic disputes over child support and fell under the jurisdiction of government agencies such as the Bureau of Paternity and Child Support.

Landlord/tenant cases were most frequently resolved by the parties themselves; these cases involved money and/or property issues (usually money, specifically security deposit returns), repairs and upkeep, and other problems. Mediation was also effective in a number of cases. Intervention by attorneys and government agencies (often housing or building departments) helped in a small number of the landlord/tenant cases.

Consumer/merchant disputes were often resolved by the parties themselves, followed by attorneys, courts, and mediation. Consumer agencies, primarily the Better Business Bureau and Autocap programs, had limited success in resolving consumer disputes. The BBB process seemed especially weak--the BBB served primarily as a messenger rather than a third party facilitator.

The nature of neighborhood and nuisance cases--barking dogs, trash problems, etc.--led to their resolution primarily by the parties themselves and government agencies. They often involved quasi-legal problems between neighbors with an ongoing relationship, or consisted of minor civil matters regarding zoning, upkeep, etc. (thus bringing in the government agencies).

Citizen vs. government agencies, utilities, and large corporations cases were apt to be resolved by government agencies, followed by the parties, attorneys, and courts. Employee/employer disputes were resolved by the parties involved and attorney's, primarily.

In summary, one can discern patterns in the matching of disputes to different dispute resolution processes. These patterns--and some speculative interpretations of them--are discussed further in the chapter which follows. There were also significant differences in the matching patterns found in each of three Multi-Door projects, as summarized below.

Tulsa. The Tulsa Complaint Centers' overall resolution rate was similar to the three site average--44% of the disputes were resolved or partially resolved at follow-up. The types of disputes with the highest resolution rates were consumer/merchant disputes (47% resolved; 55% of the service complaints were resolved), landlord/tenant disputes (45%), and disputes over money and/or property (44%). The lowest resolution rates (25-35%) were found among assault, harassment/threat, and interpersonal/family disputes--those between persons with close, ongoing relationships.

The resolution rates for Tulsa's forums were somewhat different than the three sites together. The parties themselves resolved 46% of the cases which were resolved. They were followed by government agencies (16%), private attorneys (9%), the prosecutor's office (6%), mediation (5%), and consumer agencies (5%, usually the Better Business Bureau). Mediation was

less extensively used in Tulsa than in either Houston or D.C., as discussed in Chapter 3.

Outside of the parties themselves, traditional legal remedies and government agencies fitted Tulsa's fusses best. Almost half of the consumer/merchant cases were reported resolved by the parties themselves; 13% by government agencies, 13% by attorneys, and only 6% by mediation. The resolution rates for disputes over money and/or property were: 41% were resolved by the parties themselves, 18% by attorneys, 9% by mediation, and 9% by the prosecutor's office. Forums for resolving neighborhood/nuisance problems were much like the overall outcomes: the parties resolved 52%, government agencies resolved 19%, and mediation was effective in 10% of the cases.

District of Columbia. The Multi-Door Dispute Resolution Program Intake Center in the District of Columbia had an overall resolution rate of 33%. As described in the previous chapter, D.C.'s caseload was dominated by disputes over money/property, service complaints, and consumer/merchant cases, with the vast majority involving parties without any personal ties. The resolution rates for these types of disputes ranged from 28% to 35%. The highest resolution rates (42% and 40%) were found in interpersonal/family and harassment/threat ceases, but the overall numbers are quite small .

Few complainants reported resolving their disputes by themselves; in contrast to Tulsa's high "self-resolution rate", only 12% of the D.C. complainants reported they had ended up resolving the dispute. Nearly a quarter of the D.C. cases were

pending resolution at the time of the follow-up interview, probably because follow-ups calls were completed sooner in D.C. (between 30 and 60 days after intake).

Just over half of the successfully resolved money/property disputes were resolved by mediation (27%) or small claims court (25%). Another 25% of these cases were resolved by attorneys (4% of these were referred to attorneys through the Lawyer Referral and Information Service) and 12% were resolved by the parties themselves. Successfully resolved consumer/merchant cases were resolved by small claims court (21%), mediation (14%), law clinics (14%), and private attorneys (14%).

In summary, cases resolved after a Multi-Door referral were resolved by courts (21%), mediation (18%), attorneys (15%), government agencies (10%), and university-based law clinics (7%). Although the intake specialists rarely referred complainants directly to court, a number of cases ended up there after trying other alternatives. The monetary matters may end up in small claims court after mediation hearings without agreements or agreements which were not upheld. This is certainly true about small claims mediation--the parties go directly into court if mediation is not successful.

Houston. The Houston caseload presents a pattern different from both Tulsa and D.C. The cases were primarily between parties with an ongoing personal relationship; nearly half of the disputes involved money and/or property, while another third involved minor criminal matters of assault or harassment/threats. Mediation was used as a primary referral

source most often, followed by the D.A.'s office and court.

The Houston cases had the highest resolution rate--52% of the cases were reported resolved at follow-up (interviews were conducted between 30 and 60 days after intake), with 23% still pending. Highest rates of resolution were found in harassment/threat cases (67%), money/property disputes (54%), and assault and interpersonal/family disputes (about 46%). (Extremely small numbers make the resolution rates of landlord/tenant and neighborhood/nuisance cases seem very high (100%), but cannot be relied upon.)

Similar to the overall figures for all three cities combined, successfully resolved harassment/threat cases were most apt to be resolved by mediation (52%) or the parties themselves (31%). Assault cases were successfully handled by the district attorney's office (42%), followed by mediation (31%). Overall, irrespective of casetype, mediation and the parties themselves were the most common dispute resolvers, followed by the D.A.'s office court, and police.

Satisfaction with DR processes. Complainants reported being extremely satisfied with the attorneys helping them resolve their disputes (100% were fully or partially satisfied). In many cases, the complainants went to private attorneys voluntarily (rather than referred these or to a lawyer referral service by the intake specialist) and paid for their services. Mediation also received high marks in satisfaction--80% of those trying mediation (with or without reaching hearings or agreements) were fully or partially satisfied with the process. The other major

dispute resolution agencies received more modest satisfaction rates--64-66% of the complainants using the courts, prosecutors/DAs, and government agencies were fully or partially satisfied.

Views of the Multi-Door Intake Process.

The follow-up data clearly indicate that the majority of the citizens using the Multi-Door intake services were pleased with the treatment they receive. The intake specialists' help was appreciated and, in the majority of cases, accepted and followed up.

These was considerable uncertainty on the part of the citizens regarding what the intake centers' purpose and services were, as well as confusion regarding the affiliation and representation of the intake specialists. Due to somewhat minimal public education efforts in the early months, a lack of citizen awareness of the program, and location of intake specialists within other dispute processing and intake programs, citizens did not always recognize the Multi-Door programs as independent intake and referral centers. The intake specialists were often perceived as part of the staff of the sponsoring agency for the Multi-Door intake services--e.g., as assistant prosecutors, Better Business Bureau staff, etc. Because of different program operations and features, these problems were more evident in Houston and Tulsa than in the District of Columbia.

Citizens also often expected the Multi-Door services to be much more than intake and referral. In many cases, the complainant thought the intake specialists would intervene in the

dispute and resolve it for them somehow. These expectations may have evolved from hopes and desires that these outsiders could resolve the problems; the identity problem discussed above, in that the intake specialists may be viewed as prosecutors, attorneys, etc; or too little knowledge of the new program services coupled with misunderstanding the programs' information materials and messages.

Table 4-1: Tulsa
 Primary Referral Agency By Complainant's Use

Did Complainant Call or Go To The Referral Agency?

	Yes	No	Total
Mediation	31 (40)*	47 (60)	78
Arbitration	1 (50)	1 (50)	2
Prosecutor/DA	53 (72)	21 (28)	74
Court	3 (30)	7 (70)	10
Lawyer Referral	4 (33)	8 (67)	12
Law Clinic	0	0	0
SS/Comm Agency	2 (22)	7 (78)	9
Consumer Agency	23 (56)	18 (44)	41
Gov't. Agency	49 (51)	47 (49)	96
Legal Services	5 (45)	11 (55)	16
Attorney	2 (20)	8 (80)	10
Police	6 (55)	5 (45)	11
Prof. Agency	10 (91)	1 (9)	11
Other	7 (39)	11 (61)	18
TOTAL	196 (51%)	192 (49%)	388

* row percentages

Table 4-2: Tulsa

Type of Dispute by Resolution Outcome

Resolved?

Type of Dispute	Yes	Partially	No	Pending	Total
Assault	6 (26)*	2 (9)	14 (61)	1 (4)	23
Harassment/Threats	9 (29)	1 (3)	21 (68)	0	31
Interpersonal	4 (25)	0	12 (75)	0	16
Money/Property	17 (37)	3 (7)	23 (50)	3 (7)	46
Services	8 (44)	2 (11)	7 (39)	1 (6)	18
Employer/Employee	6 (30)	1 (5)	11 (55)	2 (10)	20
Landlord/Tenant	11 (41)	1 (4)	14 (52)	1 (4)	27
Consumer/Merchant	47 (42)	6 (5)	52 (47)	6 (5)	111
Citizen vs. Gov't. Agency	11 (31)	6 (17)	18 (50)	1 (3)	36
Neighborhood or Nuisance	22 (30)	9 (12)	41 (56)	1 (1)	73
Other	10 (29)	6 (18)	16 (47)	2 (6)	34
TOTAL	151 (35%)	37 (9%)	229 (53%)	18 (4%)	435

*row percentages

Table 4-3: Tulsa
 Type of Dispute by Which Agency Resolved Dispute

Type of Dispute	Mediation	Arbitration	Pros./D.A.	Court	Lawyer Referral	Law Clinic	ss/Comm. Aging	Consumer Agency.	Gov't Agency	Legal Services	Private Attorney	Police	Prof. Agency	Parties Themselves	Other	Resolved with Intake Center help	TOTAL
Assault	0	0	2	4	0	0	0	0	0	0	1	0	1	5	0	0	9
Harassment/Threats	1	0	3	0	0	0	0	0	1	0	3	0	0	1	0	0	9
Interpersonal	0	0	0	0	0	0	0	1	1	0	0	0	0	2	1	0	5
Money/property	2	0	2	0	0	0	0	0	1	1	4	2	0	9	0	1	22
Services	0	0	0	0	0	0	1	1	1	0	0	0	2	5	0	1	11
Employer/employee	0	0	1	0	0	0	0	0	0	1	1	0	1	5	0	0	9
Landlord/tenant	1	0	0	0	0	0	0	0	1	0	1	0	0	9	0	1	13
Consumer/merchant	3	0	0	0	0	0	0	6	7	0	7	0	2	26	0	3	54
Citizen vs. gov't agency	0	0	0	2	0	0	0	0	8	0	0	0	0	6	0	0	16
Neighborhood or nuisance	3	0	2	2	0	0	0	1	6	0	0	0	0	6	2	1	31
Other	0	0	2	0	0	0	0	0	5	1	1	0	0	16	0	0	17
	10 (5)	0 (0)	12 (6)	4 (2)	0 (0)	0 (0)	1 (4)	9 (5)	31 (16)	3 (2)	18 (9)	2 (1)	6 (3)	90 (46)	3 (2)	7 (6)	196

Table 4-4: Tulsa

Was the Complainant Satisfied With the Referral Agency?

<u>Type of Referral Agency</u>	Yes	No	Partially Satisfied	Total
Mediation	19 (61)*	12 (39)	0	31
Arbitration	0	1 (100)	0	1
Prosecutor/DA	16 (55)	11 (38)	2 (7)	29
Court	0	3 (100)	0	3
Lawyer Referral	0	0	1 (100)	1
Law Clinic	0	0	0	0
SS/Comm Agency	2 (100)	0	0	2
Consumer Agency	7 (88)	1 (12)	0	8
Gov't. Agency	24 (53)	19 (42)	2 (4)	45
Legal Services	2 (67)	1 (33)	0	3
Attorney	0	0	0	0
Police	4 (67)	1 (17)	1 (17)	6
Private Agency	0	0	0	0
Prof. Agency	4 (67)	1 (17)	1 (17)	6
Other	4 (67)	2 (33)	0	6
TOTAL	87 (57)	57 (38)	8 (5)	152

*row percentages

Table 4-5: District of Columbia
 Primary Referral Agency by Complainant's Use
 Did Complainant Call or Go to the Referral Agency?

	Yes	No	Total
Mediation	79 (83)	16 (17)	95
Arbitration	1 (33)	2 (67)	3
Prosecutor/DA	4 (44)	5 (56)	9
Court	11 (69)	5 (31)	16
Lawyer Referral	20 (53)	18 (47)	38
Law Clinic	17 (65)	9 (35)	26
SS/Comm Agency	2 (100)	0	2
Consumer Agency	1 (100)	0	1
Gov't Agency	25 (74)	9 (26)	34
Legal Services	4 (100)	0	4
Attorney	1 (50)	1 (50)	2
Police	0	0	0
Private Agency	0	1 (100)	1
Prof. Agency	4 (80)	1 (20)	5
Other	3 (60)	2 (40)	5
TOTAL	174 (72%)	69 (29%)	241

Table 4-6: District of Columbia

Type of Dispute by Outcome

Resolved?

Type of Dispute	Yes	Partially	No	Pending	Total
Assault	0 (0)*	1 (17)	4 (67)	1 (17)	6
Harassment/Threats	4 (40)	0 (0)	5 (50)	1 (10)	10
Interpersonal	7 (37)	1 (5)	8 (42)	3 (16)	19
Money/Property	41 (32)	4 (3)	53 (41)	30 (23)	128
Services	8 (25)	1 (3)	15 (47)	8 (25)	32
Employer/Employee	0	0	9 (69)	4 (31)	13
Landlord/Tenant	0	1 (13)	4 (25)	3 (38)	8
Consumer/Merchant	11 (39)	0	12 (43)	5 (18)	28
Citizen vs. Gov't Agency	2 (29)	0 (57)	4	1 (14)	7
Neighborhood or Nuisance	0	0	1 (33)	2 (67)	3
Other	7 (35)	2 (10)	3 (15)	8 (40)	20
TOTAL	80 (29%)	10 (4%)	118 (43%)	66 (24%)	274

*row percentages

Table 4-1: District of Columbia
Type of Dispute by Which Agency Resolved Dispute

Type of Dispute	Mediation	Arbitration	Pros./D.A.	Court	Lawyer Referral	Law Clinics	SS/Comm. Aging	Consumer Agency	Gov't Agency	Legal Services	Private Attorney	Police	Prof. Agency	Parties Themselves	Other	Resolved With Intake Center Help	TOTAL
Assault	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	2 (1)
Harrassment/Threats	0	0	1	0	0	2	0	0	1	0	0	0	0	1	0	0	5 (3)
Interpersonal	3	0	0	0	1	1	0	0	2	0	1	0	0	2	0	1	11 (8)
Money/property	19	0	1	18	3	1	0	0	5	0	8	1	3	9	0	3	71 (49)
Services	1	0	0	5	1	2	0	1	1	0	2	0	0	3	1	1	18 (12)
Employer/employee	0	0	0	1	0	1	0	0	0	0	1	0	0	0	1	0	4 (3)
Landlord/tenant	0	0	0	0	0	0	0	0	1	0	2	0	0	0	0	0	3 (2)
Consumer/merchant	2	0	0	3	0	2	1	0	2	0	0	0	0	1	0	3	14 (10)
Citizen vs. gov't agency	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	2 (1)
Neighborhood or nuisance	0	0	0	4	0	0	0	0	0	0	0	0	0	1	0	0	15 (10)
Other	2	0	0	0	1	1	0	0	2	0	1	0	0	1	2	1	1 (1)
	27 (18)	0 (0)	2 (1)	31 (21)	6 (4)	10 (7)	1 (1)	1 (1)	15 (10)	0 (0)	16 (11)	2 (1)	3 (2)	18 (12)	5 (3)	9 (6)	146

Table 4-8: District of Columbia

Type of Dispute by Complainant Satisfaction
Was the Complainant Satisfied with the Referral Agency?

Type of Referral Agency	Yes	No	Partially Satisfied	Total
Mediation	45 (66)*	19 (28)	4 (6)	68
Arbitration	0	1 (100)	0	1
Prosecutor/DA	1 (33)	1 (33)	1 (33)	3
Court	2 (33)	4 (67)	0	6
Lawyer Referral	12 (63)	7 (37)	0	19
Law Clinic	12 (75)	4 (25)	0	16
SS/Comm Agency	1 (50)	1 (50)	0	2
Consumer Agency	1 (100)	0	0	1
Gov't Agency	14 (74)	5 (26)	0	19
Legal Services	1 (25)	3 (75)	0	4
Attorney	1 (100)	0	0	1
Police	0	0	0	0
Private Agency	0	0	0	0
Prof. Agency	0	2 (100)	0	2
Other	0	1 (100)	0	1
TOTAL	91 (63%)	49 (34%)	5 (3%)	145

*row percentages

Table 4-9: Houston

Primary Referral Agency by Complainant's Use

Did Complainant Call or Go to the Referral Agency

	Yes	No	Total
Mediation	102 (49)*	105 (51)	207 (54)
Arbitration	0	0	0
Prosecutor/DA	56 (77)	17 (23)	73 (19)
Court	16 (37)	27 (63)	43 (11)
Lawyer Referral	3 (60)	2 (40)	5 (1)
Law Clinic	0	1 (100)	1 (0)
SS/Comm Agency	0	0	0
Consumer Agency	0	0	0
Gov't Agency	5 (83)	1 (17)	6 (2)
Legal Services	5 (63)	3 (37)	8 (2)
Attorney	9 (82)	2 (16)	11 (3)
Police	15 (83)	3 (17)	18 (5)
Private Agency	1 (100)	0	1 (0)
Prof. Agency	2 (50)	2 (50)	4 (1)
Other	2 (33)	4 (67)	6 (2)
Total	216 (56)	167 (44)	383

*row percentages

Table 4-10: Houston
 Type of Dispute by Outcome
 Resolved?

Type of Dispute	Yes	No	Pending	Total
Assault	26 (46)*	12 (21)	19 (33)	57 (17)
Harassment/Threats	32 (67)	8 (17)	8 (17)	48 (15)
Interpersonal	8 (47)	4 (24)	5 (29)	17 (5)
Money/Property	86 (54)	43 (27)	29 (18)	158 (48)
Services	0	0	0	0
Employer/Employee	3 (38)	3 (38)	2 (25)	8 (2)
Landlord/Tenant	3 (100)	0	0	3 (1)
Consumer/Merchant	9 (30)	10 (33)	11 (37)	30 (9)
Citizen vs. Gov't. Agency	0	0	0	0
Neighborhood or Nuisance	2 (100)	0	0	2 (1)
Other	1 (14)	3 (43)	3 (43)	7 (2)
Total	170 (52)	83 (25)	77 (23)	330

*row percentages

TABLE 4-11: HOUSTON
 Type of Dispute by Which Agency Resolved Dispute
 Type of Agency

Type of Dispute	Mediation	Arbitration	Pros./D.A.	Court	Lawyer Referral	Law Clinic	SS/Comm. Agency	Consumer Agency	Gov't Agency	Legal Services	Private Attorney	Police	Private Agency	Prof. Agency	Parties Themselves	Other	TOTAL
Assault	8	0	11	1	0	0	0	0	0	0	0	1	0	0	5	0	26 (15)
Harassment/Threats	17	0	2	1	0	0	0	0	0	0	0	0	0	0	13	0	33 (19)
Interpersonal	3	0	0	0	0	0	0	0	0	1	0	1	0	0	2	2	8 (5)
Money/property	45	0	1	5	0	0	0	0	0	0	2	5	1	0	28	0	88 (50)
Services	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0 (0)
Employer/employee	1	0	0	1	0	0	0	0	0	0	0	0	0	1	0	0	3 (2)
Landlord/tenant	1	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0	3 (2)
Consumer/merchant	4	0	0	0	1	0	0	0	1	0	2	1	0	0	1	0	10 (6)
Citizen vs. gov't agency	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0 (0)
Neighborhood or nuisance	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0	2 (1)
Other	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1 (1)
TOTAL	79 (45)	0 (0)	14 (8)	9 (5)	1 (1)	0 (0)	0 (0)	0 (0)	3 (2)	1 (1)	4 (2)	8 (5)	1 (1)	1 (1)	51 (29)	2 (1)	175

Table 4-12: Houston

Type of Agency by Complainant Satisfaction

Was the Complainant Satisfied With the Referral Agency?

	Yes	No	Partially	Total
Mediation	67 (70)*	10 (10)	19 (20)	96 (42)
Arbitration	0	0	0	0
Prosecutor/DA	26 (51)	16 (31)	9 (18)	51 (23)
Court	13 (54)	3 (13)	8 (33)	24 (11)
Lawyer Referral	4 (100)	0	0	4 (2)
Law Clinic	0	0	0	0
SS/Comm Agency	0	0	0	0
Consumer Agency	0	0	0	0
Gov't. Agency	3 (50)	2 (33)	1 (17)	6 (3)
Legal Services	4 (80)	1 (20)	0	5 (2)
Attorney	11 (79)	0	3 (21)	14 (6)
Police	17 (77)	3 (14)	2 (9)	22 (10)
Private Agency	1 (100)	0	0	1 (0)
Prof. Agency	0	0	1 (100)	1 (0)
Other	1 (50)	1 (50)	0	2 (1)
Total	147 (65%)	36 (16)	43 (19)	226

*row percentages

Table 4-13.

Satisfaction With Intake Centers

		Tulsa	Houston	D.C.	Total
Were the complainants satisfied with their experience with the intake center?	Yes	324 (76%)	388 (84)	241 (91)	953 (83%)
	No	88 (21%)	12 (3)	20 (8)	120 (10%)
	Partially	12 (3%)	60 (13)	5 (2)	77 (7%)
Would they return or call again?	Yes	347 (77%)	413 (90)	205 (76)	965 (82%)
	No	64 (14)	3 (7)	26 (10)	93 (8%)
	Maybe	37 (8)	45 (10)	40 (15)	122 (10%)
Did the Center do what the complainants expected?	Yes	198 (46)	Not Asked	156 (59)	354 (51%)
	No	204 (47)		79 (30)	283 (41%)
	Somewhat	22 (5)		22 (8)	44 (6%)
	Not sure what they expected	7 (2)		7 (3)	14 (2%)
Did the Center help with the dispute?	Yes	203 (48)	314 (68)	158 (60)	675 (59%)
	No	206 (49)	14 (3)	77 (29)	297 (26%)
	Somewhat	15 (4)	132 (29)	28 (11)	175 (15%)

Table 4-14: All Centers
Relationship between Parties By Outcome

Relationship	Resolved	Partially Resolved	Not Resolved	Pending	Total
Close	115 (48)*	5 (2)	89 (37)	31 (13)	240 (23)**
Semi-close	67 (39)	6 (3)	83 (48)	17 (10)	173 (17)
Distant	170 (38)	16 (4)	183 (41)	75 (17)	444 (43)
None	46 (27)	16 (9)	88 (51)	22 (13)	172 (17)
TOTAL	398 (39)*	43 (4)	443 (43)	145 (14)	1029 (100%)

$\chi^2 = 34.85, df = 9; p < .01$

* Row percentages

** Column percentages

Table 4-15: All Centers
Casetype X Outcome

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

$\chi^2 = 52.09, df = 24, p < .01$

*Row percentages

**Column percentages

Table 4-16: All Centers Relationship
between Parties By Where Resolved

Relationship	Mediation	Prosecution/ Police	Court	"Lawyering"	Consumer/ Prof. Ag.	Gov't. Agency	Other	Parties	TOTAL
Close	60 (51)**	18 (26)	10 (19)	16 (23)	2 (9)	2 (4)	5 (19)	36 (23)	149 (26)**
Semi-close	22 (19)	24 (35)	3 (6)	2 (3)	1 (5)	8 (16)	0 (0)	28 (18)	88 (16)
Distant	31 (27)	16 (23)	29 (56)	43 (61)	15 (68)	20 (41)	16 (62)	79 (50)	249 (44)
None	4 (3)	11 (16)	10 (19)	9 (13)	4 (18)	19 (39)	5 (19)	16 (10)	78 (14)
TOTAL	117 (21)*	69 (12)	52 (9)	70 (12)	22 (4)	49 (9)	26 (5)	159 (28)	564 (100%)

$\chi^2 = 138.01, df = 21, p < .01$

*Row percentages

**Column percentages

Table 4-17: All Centers
Casetype By Where Resolved

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

$\chi^2 = 238.25, df = 56, p < .01$

*Row percentages

**Column percentages

CHAPTER 5: DISCUSSION OF ISSUES

In this final chapter, we raise and discuss the major issues emerging from Phase I of the Multi-Door experiment. They are not meant to be conclusions, but are intended to reiterate the major findings of the research study and highlight some of more interesting outcomes of the implementation and processes of the centers.

Fitting the fuss to the forum. The descriptive analysis of the Multi-Door case outcomes presented in Chapter 4 identified patterns in the matching of disputes to forums. The patterns uncovered related to the relationships between the parties, the nature of their dispute, and the characteristics of the dispute forums identified early in Chapter 4.

In brief review: assault cases (typically between individuals with fairly close personal relationships) were most often resolved by the intervention of the offices of the prosecutor, district attorney, or police department; cases involving harassment, threats, or interpersonal problems (also usually between people with close relationships) were most often resolved via mediation; disputes over money and/or property were also resolved by mediation; and landlord/tenant, consumer/merchant, and neighborhood and nuisance cases were most often resolved by the parties themselves. The closer the relationship between the parties, the more the disputes were apt to be resolved via mediation.

There are certain case and resolution process characteris-

tics which do seem to match, resulting in the successful resolution of the disputes. Assault cases, involving violence and the clear violations of law, were primarily resolved by the threat and process of prosecution and police action. The district attorney's office (since most of the assault cases were found in Houston, the primary dispute resolution process for assault cases in this sample is that conducted by the Harris County district attorney) has the power to investigate and prosecute assault cases. While few cases actually go to court, the D.A. has substantial clout (often in the form of threats to prosecute) in resolving assault cases to the satisfaction of the victim. The D.A.'s office has the power to compel participation and both force and enforce a settlement/resolution. Although mediation aids in preserving ongoing relationships (such as those found in the assault cases), its use in domestic assault cases is increasingly under attack due to its voluntariness, lack of enforceability, possible perpetuation of power disparities, and compromise outcomes (see, for example, Lerman, 1982). In the Multi-Door cases, the power and punishment of the law appeared more effective for assault cases than the other alternatives. The assault cases were referred to prosecution more often than mediation, as well as being resolved there, due to criteria imposed on the intake center by the prosecutor's or D.A.'s offices as well as personal (and perhaps program) philosophies which lean toward prosecution in assault cases.

The disputes labeled harassment, threat, and interpersonal/-family disputes are typically between individuals with personal,

ongoing relationships, and involve issues that may be minor criminal offenses (e.g., threats of bodily harm, even the brandishing of a gun). These disputes are often the result of continuing disagreements, volatile relationships, and underlying problems. Mediation offers flexible, compromise outcomes reflecting the disputants' concerns and priorities and an opportunity to address underlying problems, which may be effective and desirable in these cases. Mediation may also increase the parties' abilities to resolve future problems and enable the relationship to continue.

Disputes over money and/or property--whether between individuals with close or distant relationships (the latter referring to landlord/tenant and consumer/merchant cases) were most frequently resolved via mediation. The closer the relationship between the parties in these money/property disputes, the more effective mediation was. Mediation research has shown that these types of civil disputes between parties with distant or no relationships (e.g., consumer/merchant) are relatively difficult to get to a mediation hearing, but once there, agreements tend to be made and kept over the long term (Cook, et al., 1980; Felstiner & Williams, 1980). Cook, et al. (1980) also found that monetary and property disputes are the types of disputes citizens bring to mediation voluntarily. Citizens rarely bring assault or harassment disputes to mediation settings on their own initiative. These money/property disputes typically end in concrete settlements, ones that may be fairly easily to uphold and monitor (in contrast to agreements calling for vague behavioral changes

such as "Mr. C agrees not to ridicule Miss C any more."). McEwen and Maiman's (1981) research indicated that disputants volunteering for small claims mediation may be predisposed to compromise, and thus mediation proved to be an effective alternative to court, with substantially higher compliance rates.

Somewhat surprising is the typical avenue of resolution for landlord/tenant, consumer/merchant, and neighborhood/nuisance cases. The primary resolution agents in these cases were the parties themselves, followed by mediation, attorneys, and government agencies, respectively. We have no ready explanation for this outcome, beyond some speculative thoughts. Research on the mediation services of the Neighborhood Justice Centers indicated that landlord/tenant and consumer/merchant cases were often resolved prior to a mediation hearing, through a conciliation process which may or may not involve the NJC staff serving as facilitators. These types of disputes are also difficult to get to a mediation hearing, since landlords and merchants often refuse to participate in the process. Perhaps these disputes involved compromise outcomes amenable to both parties, and the resolutions were reached after some initial intervention by a third party or at least contact with some dispute resolution forum. It often seems that any outside intervention or even outside awareness of a dispute--such as filing with the court or prosecutor, talking to an intake specialist from a mediation or Multi-Door program, etc.--instigates resolutions in some cases where compromise and conciliation are attractive to both parties.

Also somewhat surprising is the substantial use and effec-

tiveness of traditional dispute resolution agencies--prosecutors, district attorneys, courts, and "lawyering". Although the use of these agencies was certainly not precluded in the original concept of the Multi-Door Courthouse (in fact, these offices were viewed as several of the "doors"), they were relied upon to a substantial degree.

Another interesting finding of note is the high rate of what may be called "self-resolution"--cases which were ultimately resolved by the parties themselves, as reported by complainants. It is not clear why this is the case; perhaps it may be attributed to the minor nature of most of these cases. A third party resolution may not be seen as necessary. Many of these disputes may also have benefited from prior tries at resolution--for example, scheduled mediation hearings which were canceled due to no-shows, or initial filing with the prosecutor followed by dropping the case. The highest self-resolution rates were found in Tulsa and Houston (46% and 29%, respectively), versus 12% in D.C. Yet, the follow-through rate (the degree to which complainants followed through on the intake specialists' referral) was higher in D.C. (72%) than the other two cities (49% and 56%). The higher follow-through rate in D.C. may be attributable to the more rigorous referral process, and the fact that the citizens using the D.C. intake center have a good idea of what to expect from the center and they seek it out. The lower self-resolution rate may be due to the fact that many of the D.C. cases were quite complex and contracted, involving disputes of long standing.

This analysis of matching disputes to forums is basic and descriptive; substantially more analysis and interpretation are needed and may shed more light on the issues discussed above. The follow-up data are rich in detail and contain information that was beyond the scope of this report to study and present in depth. For example, the follow-up interviews attempt to capture the whole sequence of events leading up to resolution or non-resolution, including contacts with agencies beyond the primary referral or resolution agency.

The fitting-the-forum-to-the-fuss analysis identified missing doors and weak doors--dispute resolution forums which are needed but not available in the Multi-Door sites and forums which do not work as effectively as they might. These are discussed below.

Weak and non-existent doors. The Multi-Door follow-up results identified several gaps in the dispute resolution processes in the sites, as well as weaknesses in existing processes. It is possible that the high rate of self-resolution comes about, in part, because of the absence or failure of dispute resolution programs (of course, self-resolution may be seen as a beneficial outcome).

The disputes that seemed to be most difficult to resolve via dispute resolution forums were employer/employee, landlord/tenant, and consumer/merchant problems. The nature of these disputes affects their potential for successful resolution, regardless of the resolution process used. In most of these cases, the complainant had a grievance against a company

or institution; we do not have a measure of how legitimate these grievances are (this is true for all Multi-Door cases--the intake specialist usually only hears one side of the story). It is not known whether the employee is indeed due back pay or the tenant a return on his or her security deposit. These disputes are often of the David-and-Goliath variety, in that the complainant is typically a private citizen complaining against a more powerful entity. Mediation research indicates that non-participation in dispute resolution is common in these cases; the respondent (Goliath) may decline to participate in an alternative dispute resolution program such as mediation, because s/he may feel that due to the complainant's (David's) comparatively fewer resources, the respondent can "win" by refusing to participate--the complainant will not carry the case further.

Further investigation is necessary to determine what dispute resolution processes are needed for these disputes. Mediation, government agencies, private attorneys, and the courts had a modicum of success. Given the Multi-Door results, two directions might be explored. One is to promote the development of dispute resolution processes that compel the respondent to participate (e.g., mandatory arbitration or mediation under court auspices). The second is to facilitate self-resolution, by providing third parties to help with communication and negotiation. Mediation program and law clinic staff often serve this function at low cost, basically serving as a "go-between" to help resolve the dispute.

Arbitration services were not heavily utilized by the

Multi-Door sites. D.C. has a voluntary arbitration program for civil disputes, which is under-utilized (as part of their Phase II proposal, D.C. plans to experiment making arbitration mandatory for a random sample of civil cases). Very few referrals were made to the D.C. arbitration program. The only arbitration services in Tulsa and Houston are those offered by the Better Business Bureau for specific automotive disputes between consumers and four manufacturers. The Tulsa program plans to develop court-annexed arbitration as part of Phase II.

Arbitration services may be appropriate for use with a number of the minor criminal and civil cases handled by the Multi-Door centers. They share characteristics with the courts, in terms of compelling participation and enforcing outcomes, yet are apt to be more informal and give disputants more control over the process.

Ombuds programs are also missing from the Multi-Door sites and could be useful in the citizen vs. government cases. Many of these cases are intricate, involving complex agency regulations and often a protracted history of resolution attempts, often fraught with miscommunication and confusion. Ombuds could serve a vital role. Also missing--and not needed due to the nature of the caseload--are the dispute resolution forums of mini-trials and summary jury trials. These forums, as well as means of attracting appropriate cases to them, will be explored during Phase II.

Weaknesses and deficiencies in dispute resolution mechanisms were reported by complainants during the follow-up interviews.

Any and all dispute resolution processes may be ineffective in a given situation, but several consistent problems were noted.

All mediation programs have two characteristics which are inherent to the process, yet are often viewed as deficiencies by complainants (and critics). Mediation is a voluntary process, and disputants cannot be compelled to participate (although they may be coerced into participating by a judge or prosecutor). Second, mediated agreements cannot be enforced by the mediation program. At best, a broken agreement can be taken to court for breach of contract; this is rarely done. Complainants often voice dissatisfaction with mediation because of one of these problems. Many agree to try mediation, and then are thwarted when the respondent refuses to participate. Complainants may also express dissatisfaction with mediation when an agreement is broken and the mediation program can do little about it. However, mediation research indicates that most (65-85%) agreements are upheld. In both instances, the complainant may feel that the whole dispute resolution process has been a waste of time and they are virtually in the same place as when they first contacted the Multi-Door intake specialist.

The traditional dispute resolvers have weaknesses as well. These problems are well known and will be briefly mentioned here. Citizens expressed dissatisfaction with the prosecutor's and D.A.'s offices because "nothing was done". In many cases, complaints were filed and then the complainant heard nothing. In others, the prosecutor or D.A. declined to proceed with prosecution. On the positive side, minimal intervention (such as

a letter sent to the respondent citing the complaint and municipal law) resolved a good number of cases to the complainant's satisfaction. Weaknesses were seen in the small claims court process when court judgments were reached in favor of the complainant, but the respondent did not follow through with payment. Garnishing wages, etc., requires more court hearings and citizen time. Private attorneys were effective in many cases, but beyond the means of many complainants. It was not unusual for Multi-Door complainants to be referred to a Lawyer Referral Service, discuss their cases with an attorney, and then find themselves back close to the beginning because they could not afford the attorney's fee to handle the case.

The Better Business Bureau complaint handling procedures led to considerable consumer dissatisfaction. In Tulsa, while the BBB purports to mediate disputes, the office offers little more than a pass-through process. The BBB passes on the consumer complaint to the merchant or company, but does nothing to facilitate a resolution (there also appears to be differences in BBB action in regard to complaints against BBB members and non-members). In contrast, the state level agencies used by the intake specialist located at the Tulsa BBB were often effective in resolving consumer problems. These include the state agencies of the Labor Board, Insurance Commission, and Governor's hotline, and private professional societies which handled complaints lodged against doctors, dentists, and lawyers.

Referral decisions. There are a number of factors which appear to impinge on the referral(s) made by the intake special-

ists. From the beginning, the intake specialists have attempted to fit the forum to the fuss appropriately. Their decisions were based on the criteria of the dispute resolution forums learned through training, communication with the agencies, and personal education and experience. Feedback from the follow-up interviews provided more information over time. The primary factor influencing the referral decision is the intake specialists' opinions regarding which agency or agencies is apt to be most appropriate for the dispute at hand.

However, several other factors enter into this decision also. An important one is the criteria imposed on referral decisions by the agency housing the intake function. In the prosecutor's offices in Tulsa and Houston, the Multi-Door intake specialists screened cases for the prosecutors in conjunction with Multi-Door intake. The prosecutors determined the criteria for referrals to them vs. other resources and certain cases were regularly referred to the prosecutor's office, almost without question. Cases involving physical assault, weapons, etc., were often referred unilaterally to prosecution. In the D.A.'s office in Houston, cases were screened by the D.A. staff prior to Multi-Door intake. Thus, many citizen complaints were not heard by the intake specialists and they conducted intake on cases meeting criteria determined by the D.A.

The complainant's own wishes enter into the referral decision. In some cases, complainant's want only one thing--prosecution and punishment. They cannot be persuaded to try mediation and are often referred on to the prosecutor. In other

situations, the complainants simply want a resolution or restitution and are open to a variety of avenues that may be effective.

There were notable site differences in the use of mediation and traditional court and prosecutorial processes. In Tulsa, referrals were made to mediation for 18% of the cases, versus 46% and 43% for Houston and D.C. In D.C., virtually no referrals were made to courts or prosecutors, whereas about a third of the Houston and Tulsa cases were referred to these agencies. There are several reasons for these striking differences. The mediation programs in Houston and D.C. are considerably older and more well-established than Tulsa's Early Settlement. It is probable that they are better known and accepted by citizens and justice system officials. The Houston and D.C. mediation programs are very closely tied to the Multi-Door programs there -- intake and mediation services are essentially under the same roof (in line with Sander's original concept). In Tulsa, the mediation program is housed within the Municipal Court, yet even when the Multi-Door program was sponsored by the court the connection was never as strong as that found in D.C. and Houston. The differential use of traditional agencies seems to be due to strong philosophical differences. The D.C. intake staff feel that courts and prosecution should be used as a last resort. In Tulsa and Houston, traditional agencies are readily used. Housing the intake specialists within prosecutor's offices also encourages substantial referrals to these agencies and the courts.

The intake specialists often gave complainants several

referral options in cases where it was felt that several resolution mechanisms might prove helpful. In D.C., the options were prioritized for the complainant, who was advised to try the second or third referral option if the first did not work. In the other sites, the intake specialist was more apt to describe each of the options and leave the decision of which to try first up to the complainant.

A few words about the intake process are appropriate here. The intake specialists were faced with widely divergent disputes and referral options every day, and the referral decision was often difficult to make. Some disputes were very simple (perhaps deceptively so in some cases). The one-time consumer complaint about the failure of an automotive repair service presents the intake specialists with a clear-cut decision, assuming that appropriate dispute resolution forums exist. Other disputes are very complicated, due to the relationship between the parties and/or the nature and history of the dispute. A landlord/tenant dispute, for example, may include tenant complaints about poor upkeep countered by landlord complaints about failure to pay rent, with the latter issue currently before landlord/tenant court. To cite another example, the intake specialist may be faced with a dispute in which the girlfriend charges her boyfriend with assault and battery, yet states she does not want him arrested and prosecuted, but rather wants someone (a figure of authority such as a judge or prosecutor) to make him stop beating and start loving her. The intake specialist is faced with a number of questions and referral options in these latter two

cases. They attempt to discuss the options with the complainant, but the tough decisions they face must be recognized.

Citizen satisfaction. The overwhelming majority of citizens using the Multi-Door intake centers were satisfied with the intake process and would return to the center with a dispute in the future if needed. The comments made by citizens during the follow-up interviews tended to revolve around the intake specialists' friendliness, helpfulness, and expertise. Many citizens were simply pleased to have a person to talk to, in depth, about their dispute, and to be able to explore the possible consequences of trying different avenues for resolving the problems.

Satisfaction with the intake process was highest for the D.C. intake center within the courthouse followed by Houston and Tulsa, in that order. Intake is always conducted in person, at length, in the D.C. Intake Center. Intake is usually in person in Houston, but not always, while the bulk of Tulsa's intakes are conducted by phone. Perhaps the face-to-face intake interviews are preferred.

Program identity and citizen expectations. As summarized at the end of Chapter 4, there is considerable confusion about the services of the Multi-Door intake centers. This problem is less evident in D.C. than in the other sites.

This problem is two-fold. First, many citizens are not aware that the intake specialists are part of the Multi-Door program (or Citizens Complaint Center in Tulsa or Dispute Resolution Center in Houston). They believe--naturally enough--- that they are talking to an intake person from the prosecutor's

office, Better Business Bureau, D.A.'s office, Neighborhood Justice Center, etc. In many situations, the intake specialist does not identify her or his affiliation when beginning an intake; in other cases, the intake specialist makes introductory statements explaining his or her role and the scope of the program's services. Secondly, citizens often misunderstand the extent of the Multi-Door services even when they are cognizant of whom they are speaking with during the intake interview. In spite of introductory statements, program brochures and flyers, etc., clearly outlining the services, many citizens expect that the intake specialist will help them resolve the dispute directly, by intervening as a third party, forcing the respondent to pay, or taking other actions. Of course, such expectations and misperceptions do occur in other programs across the country, such as hotlines and mediation services.

This problem has multiple causes. One is the decentralization of the intake points, housing them within other agencies. We believe that Sander's original concept of the Multi-Door Courthouse envisioned a centralized intake point with a known public identity, which would become, over time, a well-known place for citizens (or corporate attorneys, or merchants, etc.) to go to with any type of dispute. Professor Sander is also the first to admit that his concept was not built of "bricks and mortar", but would change and expand as it was implemented. As discussed in Chapter 3, no one model of the Multi-Door concept was implemented; the D.C. program is most like our view of the original concept. There is another side to this issue. Some

program sponsors and observers feel that the identity of the program as a separate entity with stated purposes and services is not as relevant as getting the citizen the help she or he needs.

We do not argue that point in theory--the bottom line of the Multi-Door program is to assist those with disputes in finding and utilizing appropriate resolution forums. But we argue that the program identity is important in assisting disputants in the long term. For example, if a citizen with a consumer dispute calls the Better Business Bureau for help and receives exemplary help from the Multi-Door intake specialist stationed at the BBB, two outcomes, at minimum have been achieved. This citizen has received assistance and may have a better knowledge of resolving consumer problems, and the BBB's reputation for helping consumers is enhanced. But if that same citizen has a dispute six months later involving harassment and threats from their northside neighbor, the citizen knows the BBB cannot help and may not know where to turn. If the citizen was aware of the Multi-Door services, he or she would know where to go for assistance with the neighborhood dispute.

A second cause of the confusion problem is the relative paucity of public education and outreach efforts. During the project period covered by this report, Houston had not conducted any public education whatsoever--neither the Multi-Door or Dispute Resolution Centers titles were used or advertised, although extensive outreach plans were in place as of this writing. The D.C. program had been operating for six months, and was diligently trying to obtain media coverage, public service

announcements, etc., to "get the word out". The Tulsa program had conducted a substantial amount of public education, as documented in Chapter 3. In a new program such as this, it will take time and effort to make the services known and accepted to the public.

The nature of the caseload. The Multi-Door caseloads up to this point have been characterized by interpersonal, minor criminal, small claims, and civil disputes between individuals, and civil and quasi-legal disputes (or complaints) lodged by citizens against government agencies, utilities, and large organizations. Missing from the caseloads are corporate disputes and sizable civil cases, among others (serious criminal cases, juvenile cases, etc.).

The circumscribed nature of the caseload appears due to the location of the intake services and the messages communicated to the public and referral agencies about the Multi-Door services. There has been no real effort to attract the business community and encourage corporate attorneys and organizations to use the Multi-Door intake services or alternative means of dispute resolution. With the track record of Phase I activities behind them, each site plans to expand their purview of cases during Phase II.

Networks. Decentralization of the Multi-Door program has contributed to problems of citizen confusion regarding the services of the program and to a lack of program identity. Decentralization appears to have its strong positive points also, particularly in the working relationships and communication

networks which are beginning to emerge among the major legal and dispute resolution agencies in the Multi-Door sites. The actors/participants in the Multi-Door intake and referral processes include prosecutors, district attorneys, judges, private attorneys, the organized Bar, court clerks and other court officials, police department representatives and individual officers, mayors, city officials, directors of social service agencies, law clinics and legal aid societies, and so on. These actors/participants are the leading legal and dispute resolution officials in the Multi-Door cities.

The location of intake specialists in a wide variety of agencies has led to communication about particular cases, as well as the placement, outcome, and appropriateness of types of cases for the different agencies. Local justice system officials are aware of the Multi-Door intake and referral process and hold high opinions of its worth and operation. They are also increasingly cognizant of alternative means of dispute resolution, and supportive of them.

In short, the Multi-Door programs appear to be having a significant influence on dispute processing in the three cities, in terms of coordination, communication, and improving the fit between forum and fuss. These emerging networks were apparent even in this very early point of program evolution, and certainly bear additional scrutiny and development.

Program structure. As Sander's concept was implemented in the three cities, no program model was prepared or followed. The programs evolved to fit their cities' unique circumstances

and sponsors' plans. As a field experiment, the program variations offer substantial information to those considering adoption of the Multi-Door concept. To close this report, we offer a brief discussion focusing on the pros and cons of the major program options for a Multi-Door intake and referral program.

It should be noted that many diverse elements have come to bear on the local programs, and wide differences in structural elements have resulted in many of the site distinctions discussed throughout this report. Funds, for example, have played a dominant role. The D.C. program has a large budget, much larger than Tulsa's for example, which has enabled D.C. to hire more intake and supervisory staff and pay for extensive intake and mediation training. While fund-raising has occupied large amounts of the Tulsa program director's time, the D.C. program director is not permitted to participate in such activities. On the other hand, the Tulsa director has substantial freedom regarding the program budget and was able to hire a public relations firm when it was deemed necessary. D.C. is apparently unable to make such changes so freely.

Regarding the local sponsor, court sponsorship provides some built-in support from the judiciary, possible institutionalization, and in-kind contributions. It may mean a loss of independence, bureaucratic requirements in hiring staff and other program operations, and a detraction of the emphasis on using alternative dispute resolution processes. Similar pros and cons may be seen in bar association sponsorship, although fears of bureaucratization and loss of independence are smaller. On the

other hand, no ongoing funding is likely to be forthcoming from the bar association directly.

Centralized intake, as found in D.C., enhances program identity and makes staff supervision easy. On the down side, relationships with other agencies may be more difficult to build and maintain, the location may be inaccessible to some citizens, and more public education and community outreach may be required. The pros of decentralizing intake and housing intake specialists within other agencies include the easy establishment of working relationships, built-in caseloads and increased services to citizens, and possibly more accessibility to citizens. The cons include the confusion of the program with the agency housing intake, more difficult staff supervision and less communication among intake specialists, and loss of program autonomy and independence.

Little information is available regarding advisory boards, since Tulsa and Houston do not have them (nor seem to miss them). Yet an advisory board may provide guidance and assistance in many program areas. They are also time-consuming to develop and maintain.

Intake by telephone is inexpensive, quick, and accessible to citizens. It may also be impersonal, detrimentally quick, and less satisfying to citizens. In-person intake is more apt to be thorough, personal, and satisfying to citizens, but much more expensive to provide. The backgrounds of intake specialists bring different skills and outlooks to the intake process. Lawyers and law students have substantial knowledge of the law

and legal processes, but may have strong proclivities for traditional resolution forums and may unwittingly provide legal advice. Social workers bring special sensitivities to intake and have knowledge of social science services. Social workers will require more training in the law and judicial procedures.

Training of intake specialists is essential. Joint training by experienced intake staff and local experts from dispute resolution agencies is desirable. Extensive observation of intake and agency processes appears very valuable. Training and technical assistance to program developers and sponsors also appears to be worthwhile, although may be resisted due to time constraints and sponsor beliefs that it is unnecessary.

Program management ranges from a single program director with the freedom to run the program as he desires to a top-heavy management system in which a small group of bar association members and staff leaves the program director little freedom. In the former situation, program implementation and changes are apt to occur quickly. On the negative side, there is little support or assistance provided to the program director. Management by committee brings a stability and consensus to program management, but clearly slows down development and implementation processes.

Fund-raising is a necessary evil, one that takes substantial program time and energy. Legislated funding for dispute resolution is extremely beneficial. The Houston program is almost entirely supported by legislated funds, and Tulsa will receive such funds next year due to recently passed legislation written and lobbied by the current program director. The programs have

five or six staff people and operating costs of close to several hundred thousand dollars per year. Ongoing program funding without loss of autonomy is desirable; long-term funding support for the Multi-Door programs is uncertain.

Public education and community outreach is also critical for program success. It is necessary for building knowledge and use of the program services among citizens, the business community, and the legal and judicial communities. It is also time-consuming and costly. As the Multi-Door programs continue, their purposes and services will be come better understood by users.

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