



Mediation Services of Eastern Iowa (MSEI) Statement of Purpose

Court-connected Mediation

Mediation Services of Eastern Iowa (MSEI) is a 501(c)3 nonprofit organization. It was founded in 2002 by local attorneys, mediators, court staff, judges and community members to provide a legal structure for the existing administration of two court-connected mediation programs in the Sixth Judicial District (6JD).

In 2002, the 6JD District Court judges appointed MSEI to serve as administrator of two court-connected mediation programs: the Sixth Judicial District Family Mediation Program (6JDFMP), established in August 1996, and the Johnson County Small Claims Mediation Program (JCSCMP), established in December 1994.

The court also ordered MSEI to be responsible for compiling evaluations of two classes required for parties going through divorce and custody cases. The Divorcing and Separating Parents' Class (AKA Children in the Middle) is required statewide for parents of minor children who are going through divorce and custody cases. The Mediation Education Class (MEC) is required for all parties going through divorce and custody cases in the Sixth Judicial District, regardless of whether they have children.

MSEI is also responsible for evaluating the content of all Mediation Education Class programs offered by approved providers of mediation education classes in this district. The District Court Judges approve the providers of the Divorcing and Separating Parents Class and the Mediation Education Class.

The vision of MSEI is to be a leader in promoting public awareness and use of mediation for cooperative conflict resolution. MSEI provides public education through its website: mediateiowa.org; through contributing to language in relevant court orders and other materials; through providing professional education for mediators, attorneys and others; through reporting on court-connected mediation; and through other activities. MSEI produced the video, *Mediation: What Difference Does It Make?*, used for the Mediation Education Class, which is required for all parties in divorce and custody cases in the Sixth Judicial District. The goal of this class and the video is to provide parties ordered to mediation information that helps them better understand mediation, how it works and how to prepare, and for more of them to be successful in using mediation to make their own decisions, where possible. MSEI also co-developed the training curriculum, videos and materials for the *Introduction to Mediation and Domestic Abuse* course with the Iowa Coalition Against Domestic Violence (required for all 6JD roster mediators).

Restorative Justice

In 2014, a representative of the Johnson County Attorney's office approached MSEI about starting a restorative justice program for juvenile offenders. MSEI collaborated with representatives of the Johnson County Attorney's office, Juvenile Court Services, and Val Kemp of Adult Corrections to establish the Johnson County Restorative Justice Program (JCRJ) for use in cases with referred juveniles. Restorative Justice recognizes that in any crime or harm committed, three entities are affected: the victim, the offender, and the community. JCRJ is a restorative practice that brings the person affected



by a crime/action and the person who committed that action together to hear each other’s experience/perspectives and to explore ways to repair the harms. Before parties can meet together, trained RJ facilitators initially meet separately with a referred juvenile and his parent(s) to hear his/her perspective on what happened and its effect. The facilitators also meet separately with the person/people affected by the youth’s actions to hear their perspective of what happened and its effect. If both/all parties are willing, the facilitators meet with all the parties to provide them with a chance to hear each others’ perspectives, discuss what happened, and possibly reach an agreement about repairing any harm. In June 2014, MSEI sponsored a training for volunteer RJ facilitators, with support from the Johnson County Bar Association. By the end of 2015, the program had processed 10 cases, all referred by the County Attorney’s office or Juvenile Court Services. Since July 2015, MSEI has received a Johnson County JJYD grant (Juvenile Justice Youth Development). More information on the program is found later in this report.

Sixth Judicial District (6JD) Family Mediation Program

The Family Mediation Program was established in August of 1996 by a committee of judges, court staff, attorneys and mediators, and chaired by Judge William L. Thomas. The 6JD Family Mediation Program was the first in Iowa and was originally funded by a grant from the Iowa Supreme Court Technology Fund. When that fund was no longer available in the fall of 2001 after September 11, the nonprofit Mediation Services of Eastern Iowa was founded to provide a formal legal structure for the existing program administration. In 2002, the Court appointed MSEI to administer the Sixth Judicial District Family Mediation Program.

In the 6JD, the court orders all parties in divorce and custody cases to mediate. In 2013, the 6JD began ordering relevant contempt cases to mediate.

There are currently 40 mediators that meet the requirements to be listed on the Family Mediation Roster: 32 are practicing attorneys (80%), and the remainder are from other professions and backgrounds.

Total Divorce and Custody-Related Cases Filed in the 6JD

A total of 1765 cases were reported filed in 2016 according to the Domestic Relations Caseload Activity Report for the Sixth Judicial District. The chart below shows the number of case filings from 2011-2016. There was a trend of decreasing filings from 2011-2013. All categories declined in 2016. These figures do not include the relevant contempt cases.

6 th Judicial District Cases	2011	2012	2013	2014	2015	2016
Dissolution with Children	989	925	890	893	874	842
Dissolution without Children	776	723	701	764	775	731
Modification with Children	284	264	252	196	246	192
TOTAL CASES FILED	2049	1912	1843	1853	1895	1765



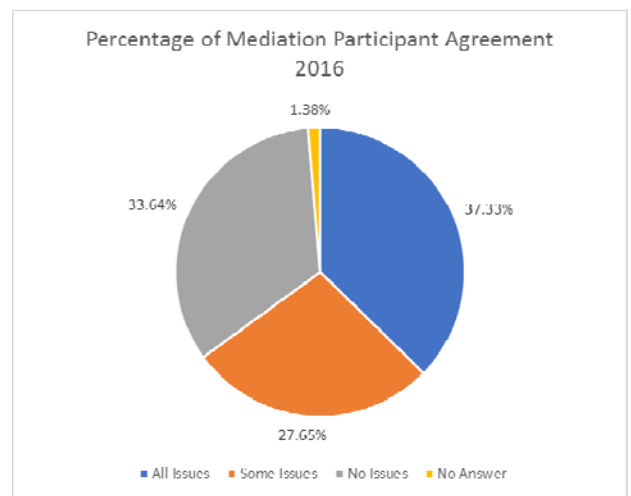
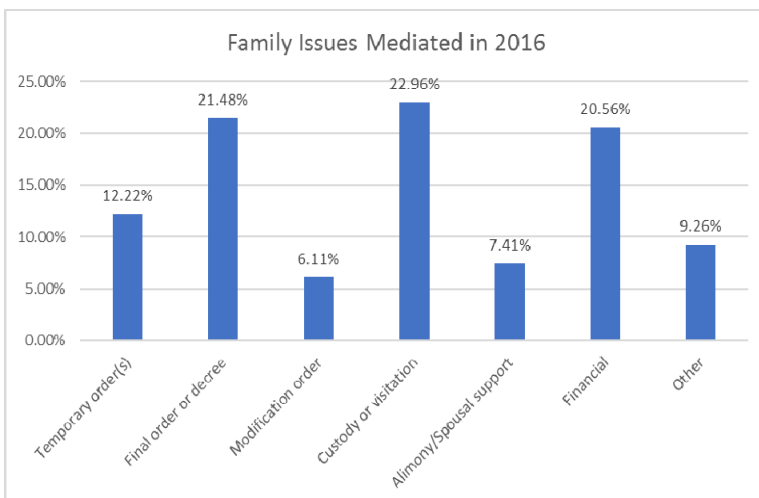
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In 2016, parties mediated in 825 cases, approximately 47% of the cases, based on statistics from the Linn County Clerk of Court. This is nearly double the number of cases mediated in 2015: 428 cases, approximately 22.5% of the cases.

Family Mediation Program: Mediator-Reported Data

Mediators filed Mediator Status Reports in 217 cases, about 25% of the cases mediated in 2016. This is down from 256 Mediator Status Reports filed in 2015. The reports filed indicated that the following issues were discussed by the parties (note that parties will often discuss more than one issue in mediation). They also indicated whether the parties reached agreement on all, some, or no issues.



Above left: Parties mediated various and multiple issues [parenting schedule, financial issues, alimony/spousal support, or other issues] related to the stage or type of case: temporary, modification or final decree.

Above right: In the reported 217 mediations, parties reached agreement on some or all issues in 65% of the cases in 2016, a decrease of 6% from 2015. Approximately one third did not reach agreement.

Other observations from Mediator Status Reports:

1) The amount of time parties spent in mediation increased in 2016. Parties can leave at any point once they are in court-ordered mediation: the length of time spent is voluntary. This could indicate that parties stayed longer because they found the process useful. It could also indicate that parties stayed longer because many mediators have one-or two-hour mandatory minimums. We do not have a way of determining the reason.

- a) Those spending 0-1 hour: 30%, continuing a decline (down from 43% in 2014 and 33% in 2015).
- b) Those spending 1-3 hours: 62%, continuing an incline (up from 48% in 2014 and 60% in 2015).
- c) Those spending more than 3 hours: 8%, roughly steady (9% in 2014, 7% in 2015).



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2) The percent of cases where representing attorneys participated in mediation increased from 16% in 2015 to 22.6% in 2016.

3) Screening for domestic violence decreased in 2016. In 2015, roster mediators reported screening participants for domestic violence in nearly all of the cases, 97%. In 2016, they reported screening participants for domestic violence in 92% of the cases. *Concern:* National statistics indicate that one in three or four divorce cases involve some kind of domestic abuse and roster mediators are required to screen both parties for abuse in every case. Screening for domestic abuse aids the mediator and vulnerable parties in determining whether mediation is appropriate, including whether it is safe to bring the parties together. When there is a question about safety, mediators encourage a party to tell their attorney or they inform an unrepresented party about the options of applying for a waiver or adapting the process (including having a conference call or skype mediation, having an attorney or other party present, mediating in a courthouse with a metal detector, etc.) *Remedy:* MSEI will provide a CLE in the first half of 2018 that includes instructions on how to screen for domestic abuse and why.

Family Mediation Program: Participant-Reported Data

At the end of mediation, mediators are to offer both participants the opportunity to provide feedback through a paper or online survey.

In 2016 in the 6JD, 1765 family cases filed were ordered to mediation. This number includes the dissolution cases with and without children and modifications with children, but not the contempt cases. Of those, 824 mediated. Of the 1648 possible Participant Evaluation Forms that could have been filed, only 32 were filed: about 1.3%.

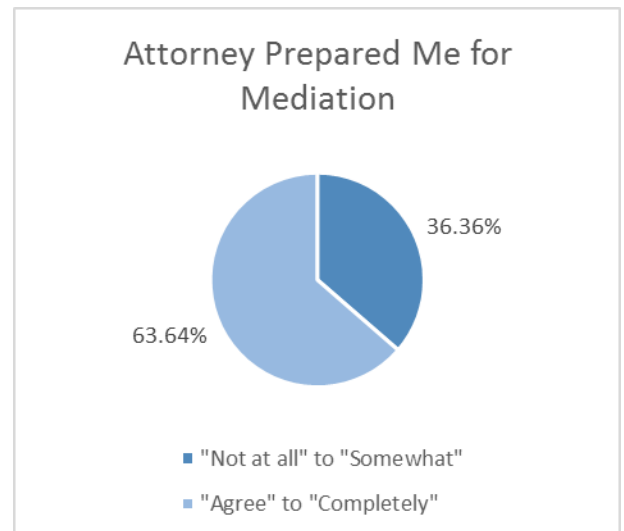
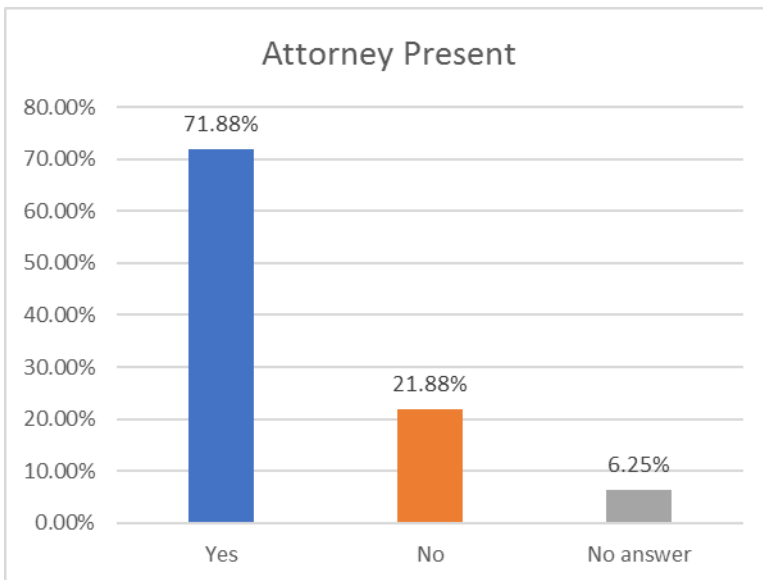
The survey contains 18 questions. Some ask for yes/no answers. In others, participants are asked to provide a numbered response between 1 and 5, with 1 indicating “Not At All” and 5 indicating “Completely”. In the charts below, the *averages* of these multiple choice answers were calculated based on the number indicated in the response and the number of answers received.



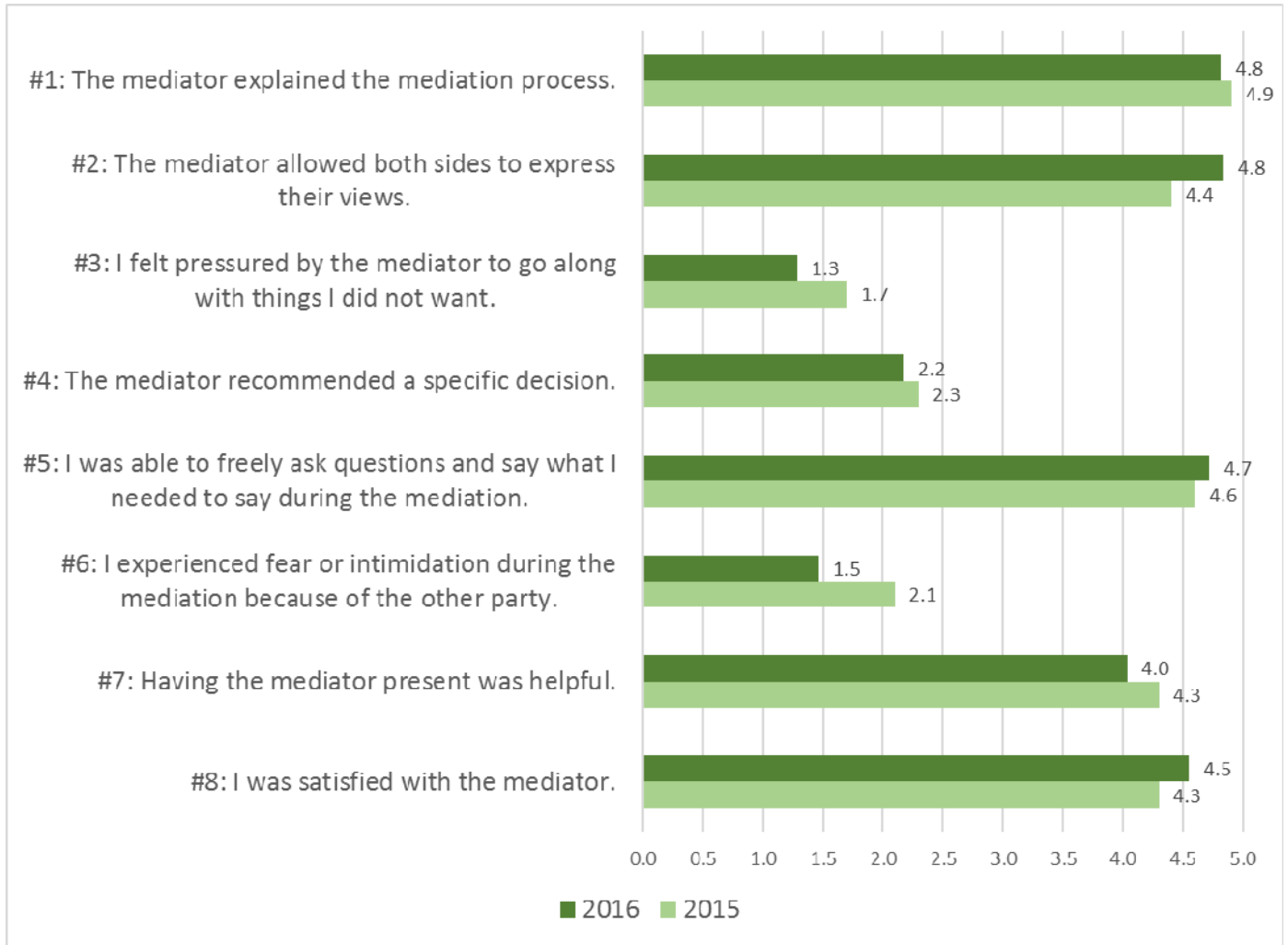
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Findings: The charts below show that almost 72% of the respondents indicated an attorney was present for mediation (down from 76% in 2015) and of those, almost 64% felt their attorney prepared them for mediation. This is down from 75% in 2015. And, although we do not have hard numbers, there is an understanding number of self-represented parties is on the increase throughout the state. **Remedy:** Since the inception of the program, MSEI has sought ways of informing parties about mediation directly and helping them prepare for mediation through: the required Mediation Education Class, the informative nature of the court orders, and MSEI's website: mediateiowa.org



The Mediator's Role

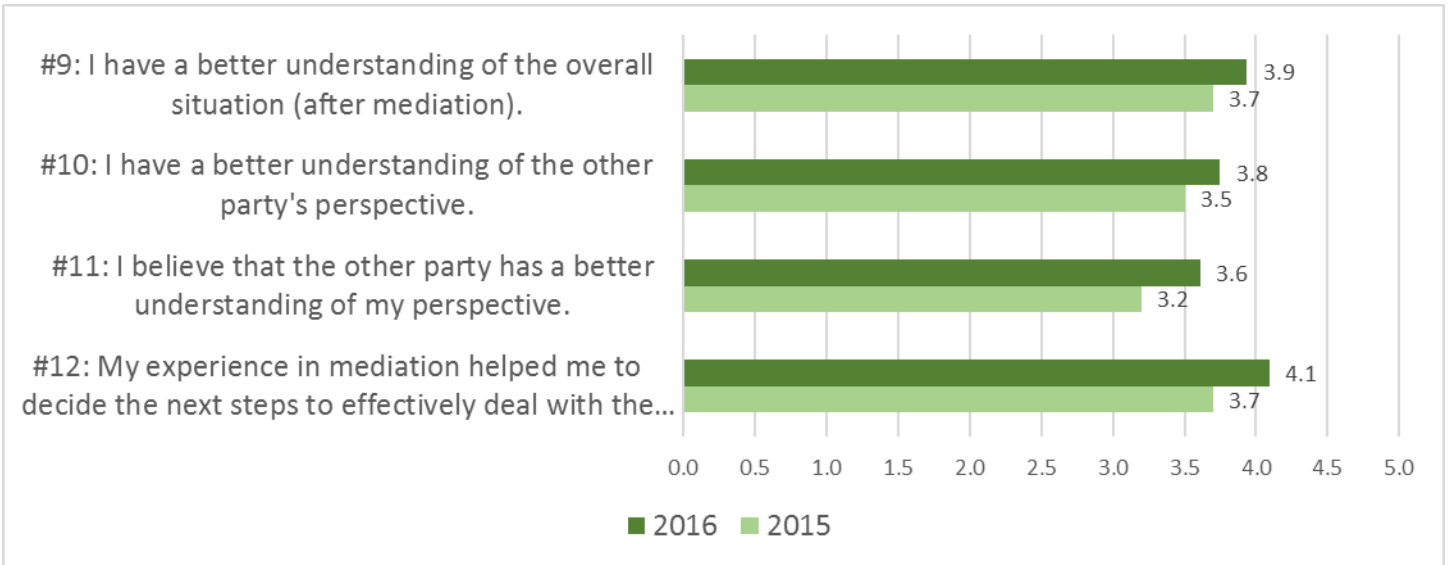




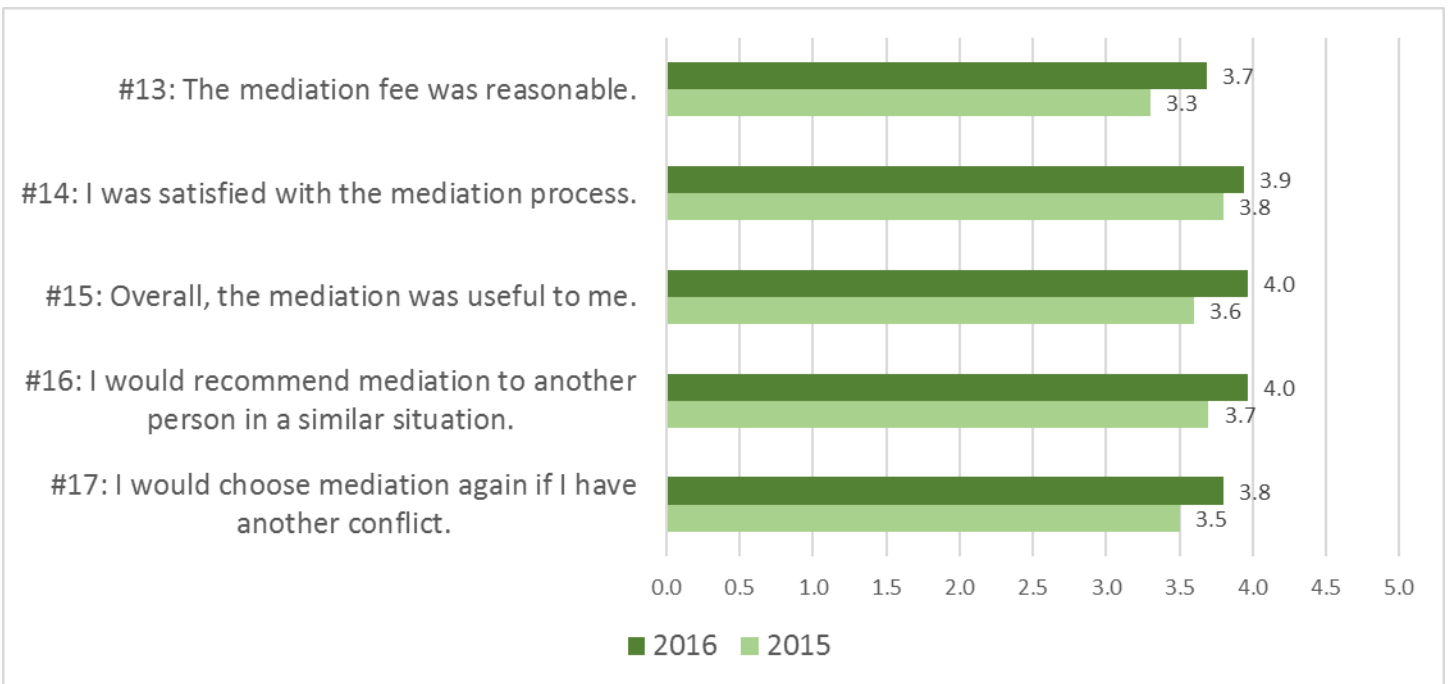
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The Success of the Process



The Value of the Process





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Observation: The number/percentage of mediation participant evaluation forms was less than two per cent, far from being statistically significant. Therefore, differences of a few tenths of a percent are not significant.

Action: The procedure for the participant evaluation forms was significantly streamlined in 2017, for the mediator and for the parties, to increase response rates. Mediators were also encouraged to make strong requests to the parties.

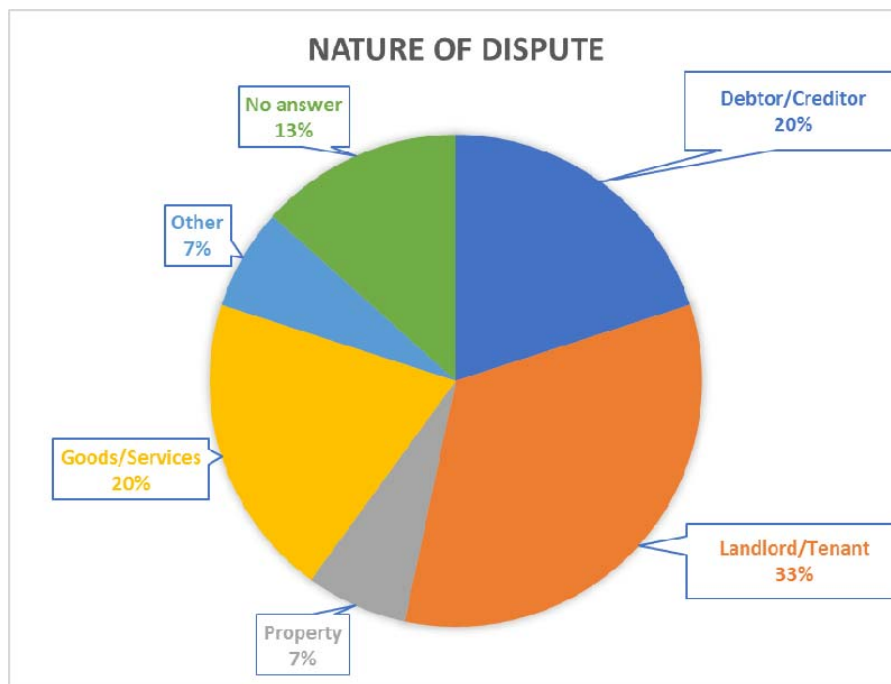
Biggest change in responses: “I experienced fear or intimidation during the mediation because of the other party.” This question that recorded the biggest change: the answers dropped .6%. We do not know the reason. Possibilities are that parties who would have experienced fear or intimidation asked for a waiver. Or, this pool of respondents did not have abuse or power imbalance issues.

Johnson County Small Claims Mediation Program

In the Sixth Judicial District, Linn, Johnson and Iowa Counties have small claims mediation programs with trained volunteer mediators. In Johnson County, mediation is voluntary, as it is in Iowa County. Small claims mediation is mandatory in Linn County.

Small Claims Mediation: Mediator Reported Data

We have mediator-reported data from 30 of the cases in 2016.



- Nine reached agreements (30%, down from 55% in 2015). Four respondents didn't answer.



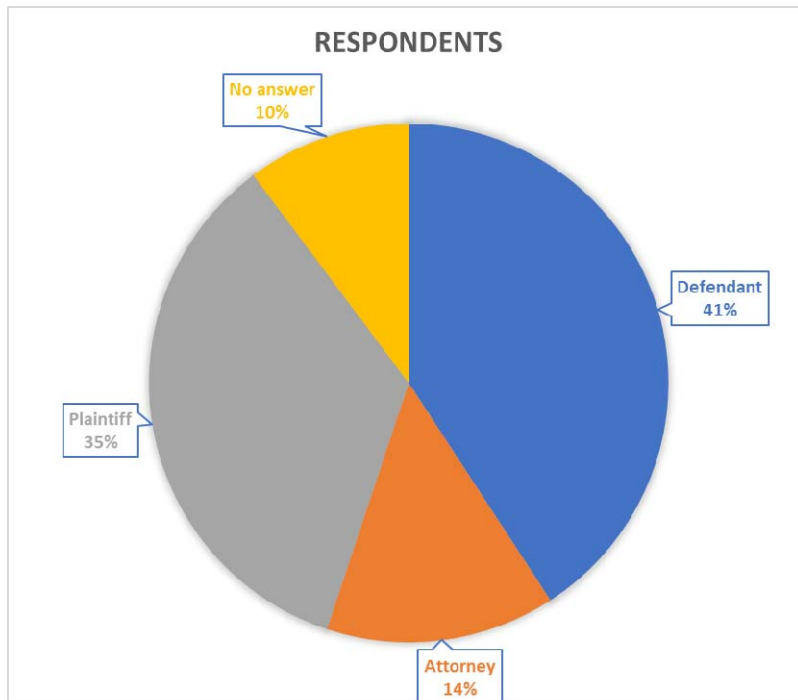
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- Attorneys participated in about half of the mediations (up from one-third in 2015).

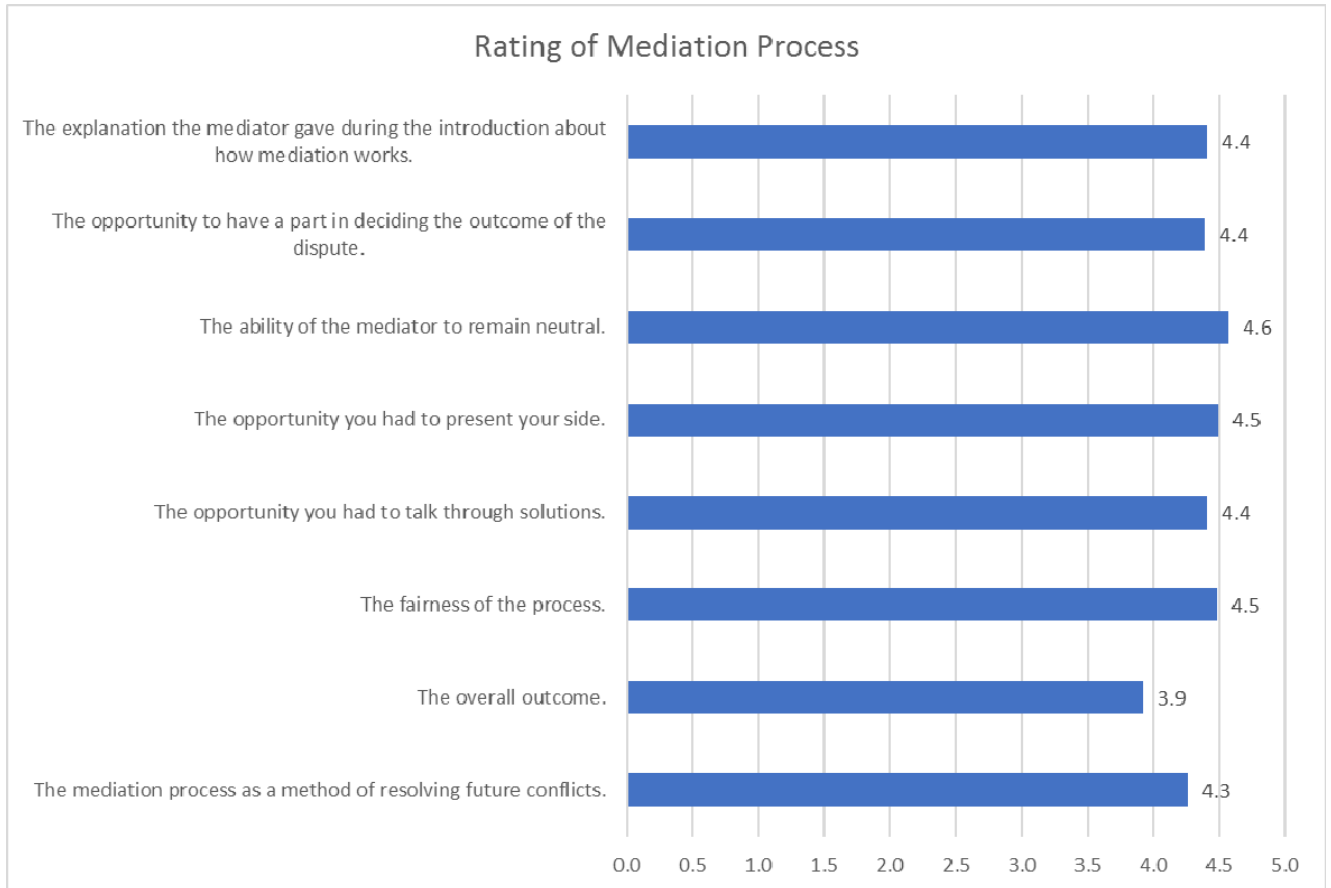
Small Claims Mediation: Participant Reported Data

At the end of the mediation, participants are offered the opportunity to provide feedback on their experience by completing a survey. Of the 30 cases reported mediated, 49 participants responded to the survey.



The survey contains 13 questions with answer sets that range from Yes/No to a range of responses: “Very Satisfied”, “Satisfied”, “Neither Satisfied or Dissatisfied”, “Dissatisfied,” and “Very Dissatisfied”. The averages of these multiple choice answers were calculated based on the number of answers and the following valuations: Very satisfied = 5 points, Satisfied = 4 points, Neither Satisfied or Dissatisfied = 3 points, Dissatisfied = 2 points, Very Dissatisfied = 1 point

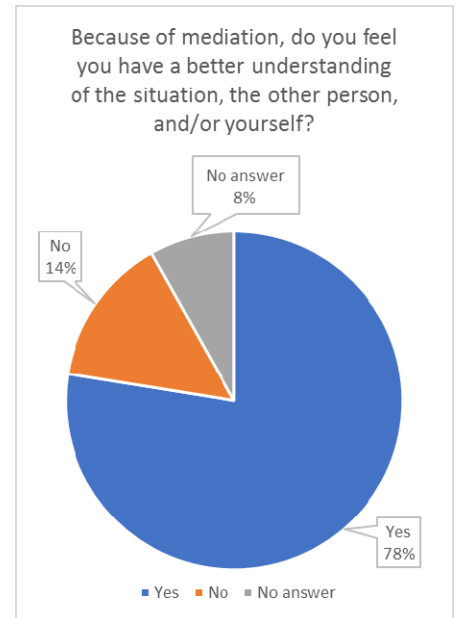
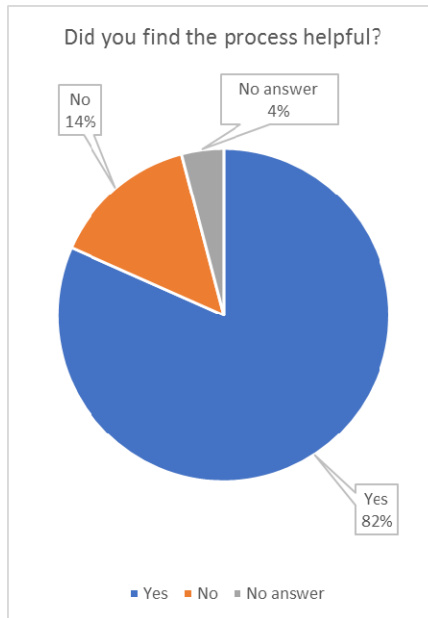
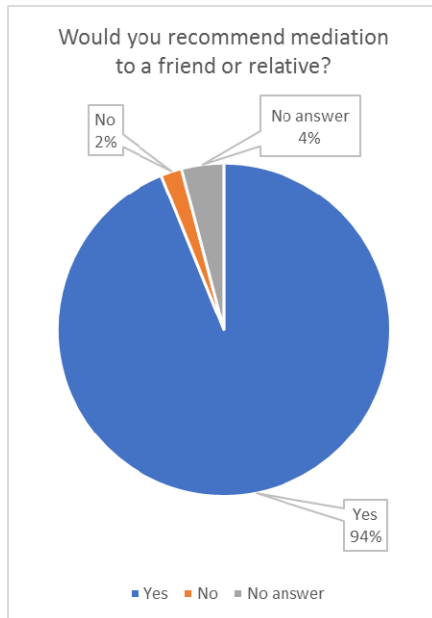
Small Claims Mediation Participant Evaluation Responses





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Observations: Due to the low response rate, these results are not statistically significant.

Satisfaction: The questions about recommending mediation to a friend and using mediation in future conflicts indicate a level of satisfaction with the process.

Trends: The number of small claims money cases (those that are mediated) continues to decline. In practical terms, this means that there are fewer opportunities to mediate for our trained volunteer mediators. It can be a challenge to give new mediators enough opportunities to mediate so they gain confidence and skills and a challenge to provide enough opportunities to mediate to retain our experienced trained volunteer mediators. We are blessed to have a strong, committed group of mediators. Nonetheless, low filings affect our program in a number of ways.

Public Education for Parties in Divorce and Custody Cases

The court has ordered MSEI responsible for compiling evaluations of the two classes required for parties going through divorce and custody cases. The first is the *Divorcing and Separating Parents' Class*, required statewide for parents of minor children. The second is the *Mediation Education Class*, required for all parties going through divorce and custody cases in the Sixth Judicial District. Both of these classes are offered in one session, for the parties' convenience. Three agencies present 12 classes a month, in 5 of our 6 counties. The classes are no longer offered in Tama County.

MSEI is also responsible for evaluating the content of the mediation education programs offered by approved providers of mediation education classes in the District. In June 2013, all agencies began using *Mediation: What Difference Can It Make?*, a half-hour video produced by MSEI for the Mediation Education Class.



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Divorcing and Separating Parents' Classes (often using the Children in the Middle curriculum)

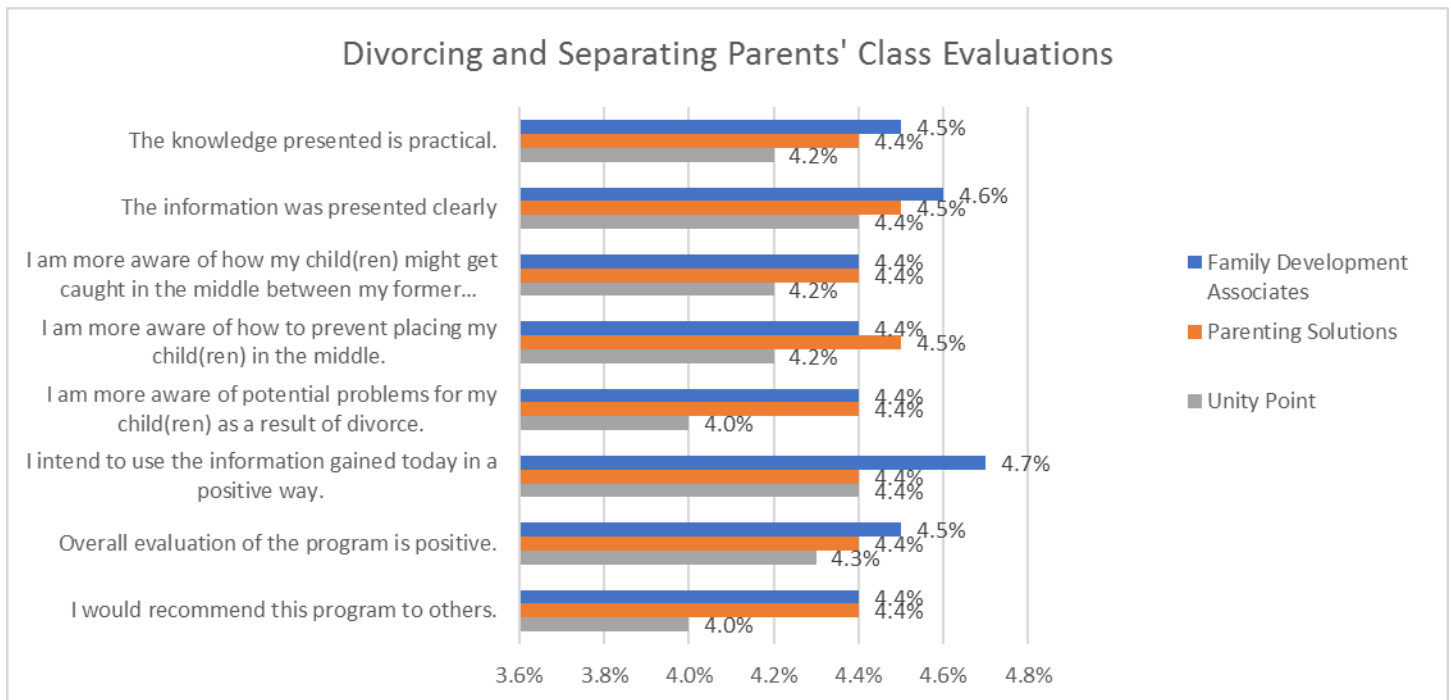
The Divorcing and Separating Parents' class is presented by three independent agencies: (1) Family Development Associates (FDA), (2) Parenting Solutions, and (3) St. Luke's Hospital/Unity Point. The courses are now offered in Cedar Rapids (4 per month), Iowa City (2), Vinton (1), Anamosa (1), Williamsburg (1), North Liberty (2), and Marion (1).

Exit Surveys

In 2016, parties in all dissolutions with minor children and modifications with minor children (1034 cases) were ordered to attend the Divorcing and Separating Parents' Class, or 2068 people. 1551 people attended the class, based on the number of exit surveys we received from the three agencies. That means approximately 75% of those ordered did attend the classes.

Method of calculation: The exit survey contains 8 questions with answer sets of a range of responses: "Strongly Agree", "Agree", "Mixed/Neutral", "Disagree," and "Strongly Disagree". The averages of these multiple choice answers were calculated based on the number of answers and the following valuations: Strongly Agree = 5 points, Agree = 4 points, Mixed/Neutral = 3 points, Disagree = 2 points, Strongly Disagree = 1 point.

What follows on the next page are the average of the responses to the eight questions on the exit survey for three presenting agencies:



Observations

The average responses are all in the “4+” “Agree” range. We will provide this information to the presenting agencies.

Mediation Education Class

The *Mediation Education Class* (MEC) is a half hour class presented by the three independent agencies in the same locations just before the Divorcing and Separating Parents’ Classes, for the parties’ and presenters’ convenience. Concerns had been raised for years by parties and attorneys about the inconsistency between the courses offered by the different agencies. To address this concern, as of June 2013, the agencies started conducting the course by presenting the 30-minute video produced by MSEI: *Mediation: What Difference Does It Make?* The video includes interviews with 12 people who have gone through mediation in the 6JD, two judges, two domestic violence advocates, and a mediator (not on the roster). It also includes information on how to prepare for mediation. Charity Nebbe of IPR did the voice-over. As of March 2014, the Mediation Education Class has also been offered online. This was District Court Administrator Carroll Edmondson’s suggestion.

Exit Surveys

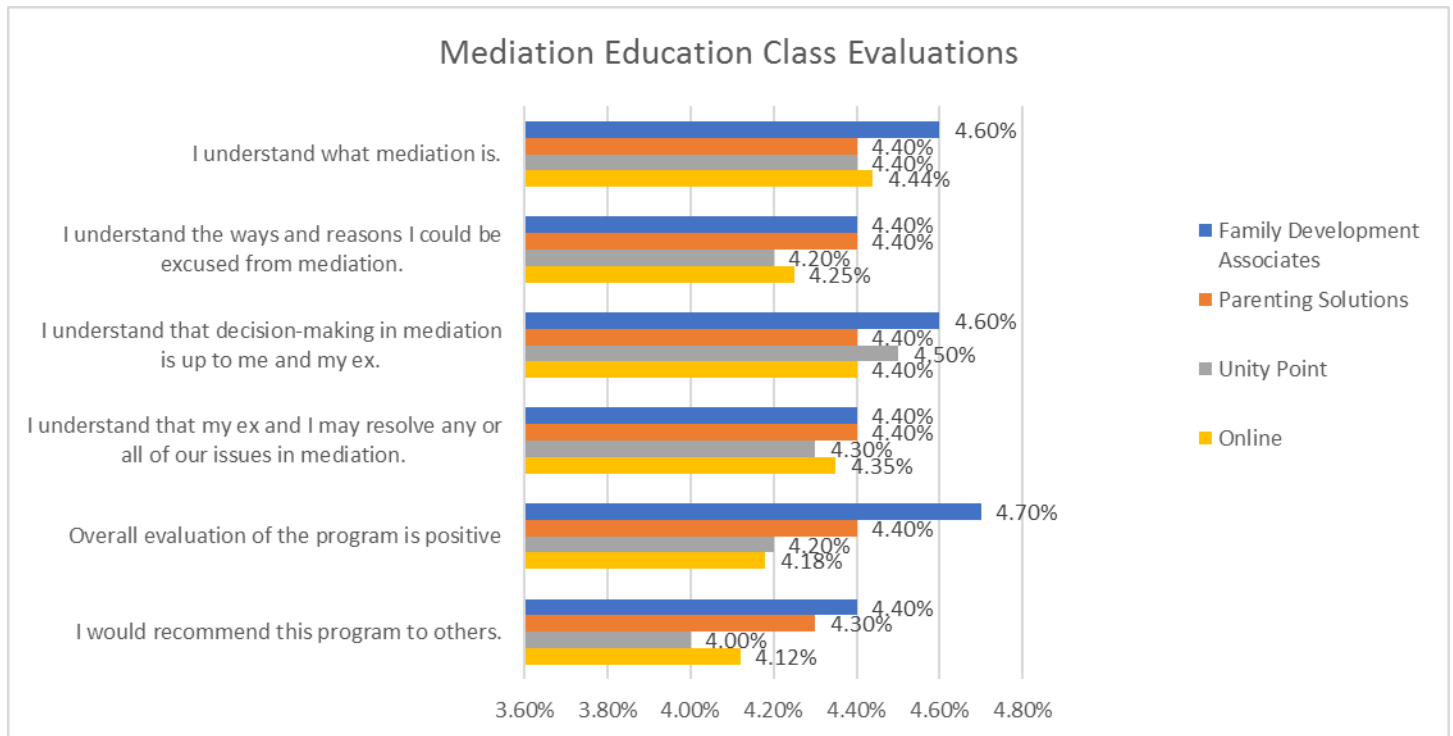
Parties in all dissolution cases with and without children and in modifications with children are ordered to the MEC. In 2016, that meant 3530 people in 1765 cases. 626 of those 3530 parties, or 17.7%, attended the face-to-face Mediation Education Class, based on number of exit surveys. 549 took the online class, or 15.5%. Total: 33.3% of those ordered took the class, about one third.

At the end of the face to face and online classes, the attendees are asked to complete an evaluation. The exit survey contains 6 questions with answer sets of a range of responses: “Strongly Agree”, “Agree”, “Mixed/Neutral”, “Disagree,” and “Strongly Disagree”. The averages of these multiple choice answers were calculated based on the number of answers and the following valuations: Strongly Agree = 5 points, Agree = 4 points, Mixed/Neutral = 3 points, Disagree = 2 points, Strongly Disagree = 1 point.



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Observations: The average of all of the responses is at 4.00 or above, or, at 80% out of 100. It is an average, so that means there were lower and higher responses. Family Development Associates consistently has the highest ratings. The online class consistently has a comparable or slightly lower rating than the others. The face to face classes and the online class both consist of the video MSEI produced. In the online class, there are six questions sprinkled throughout: the video stops and will not move on to completion and a certificate without the questions being answered. The survey questions reported here are available after the online video is completed. In the face to face class, the parties watch the Mediation Education Class video first, then those with minor children together stay for the Parenting Class.

Actions: I will distribute this information to the three presenting agencies.

Johnson County Restorative Justice Conferencing Program

As mentioned earlier, restorative justice conferencing is a process where trained facilitators meet with a referred juvenile and the person/people affected by his/her actions, and provide them a chance to discuss what happened and possibly come to an agreement about repairing any harm.

We have a diverse group of trained RJ facilitators that reflect the diversity of our community. Our goal is to have diverse teams of facilitators mediate in every case. The program recidivism rate (reoffending at a similar or more serious crime within 6 months) is zero.

We are still plagued by low referrals and continue our outreach.



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Annie Tucker and the Northwest Junior High School principal Laura Cottrell participated in a 4-day training on restorative circles in Chicago in November 2016 and held one circle within the month following. The RJC program began offering circles, which allow more people to be involved than the conferencing process does.

MSEI Financial Information

2015 Financial Summary

The court requires that MSEI account to the District for all funds it receives from fees collected by approved providers of Mediation Education Classes in the District. That information is summarized here and in a 2015 income/expense statement is attached to this report.

Income

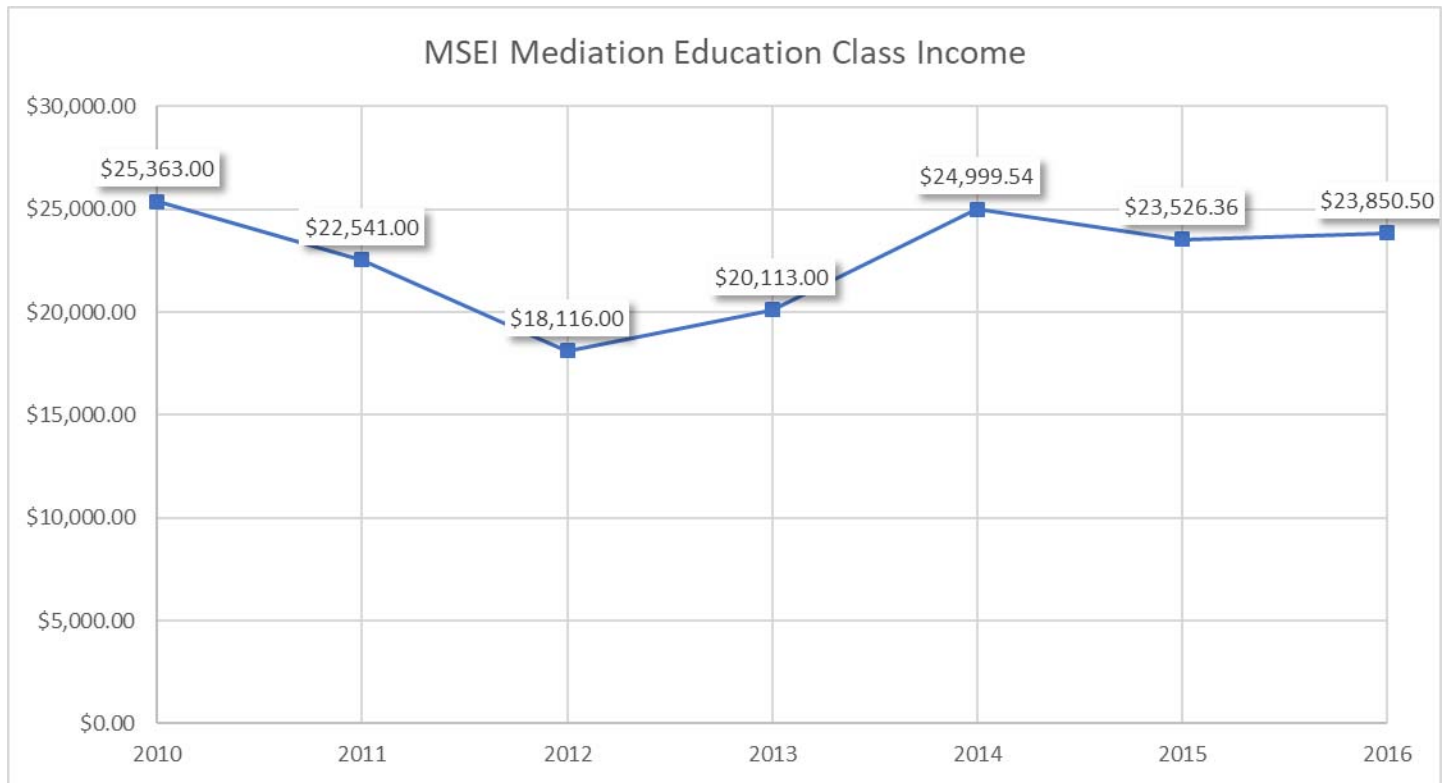
MSEI's two primary income sources are the registration fees for the Mediation Education Classes (MEC) and MSEI-sponsored Continuing Legal Education courses (CLE's).

Mediation Education Classes: All parties in divorce and custody cases in the Sixth Judicial District (6JD) are ordered to attend the Mediation Education Class (MEC). In 2002, the court authorized MSEI to be the recipient of 85% of the registration fees from the Mediation Education Classes. The class fee is \$20 per attendee of which MSEI receives \$17. The class is also offered online, and MSEI receives between \$14-15 per online registration, with the online host business netting the balance.



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The Mediation Education Class registration fees represent a primary, though fluctuating, source of income for MSEI. In 2015, the income from the agency Mediation Education Class registration fees was \$15,617.75 and from the online class was \$7908.61, a total of \$23,526.36. In 2016, the income from agency Mediation Education Class registration fees was \$15,750.00 and from the online class was \$8,100.50, for a total of \$23,850.50.

Sponsoring Continuing Legal Education Courses (CLE's): MSEI earned \$11,382.93 (gross, not net) in 2016 by sponsoring CLE's for mediators, attorneys and others.

2016 Continuing Legal Education Programs

The court holds MSEI responsible for offering CLE programs to mediators and attorneys. In 2016 MSEI conducted the following CLE-accredited and other programs:

April 28 & 29: Introduction to Mediation and Domestic Abuse

This training is required for mediators on the roster of the 6JD Family Mediation Program. It includes training on screening for domestic abuse, determining whether mediation is appropriate and dealing with power imbalances in mediation. A minimum of 25% of divorcing and separating parties have some level of abuse or power imbalance. The risk of serious harm in an abusive relationship is greatest at the time of separation. This is when people are ordered to mediate, so it is essential that mediators screen both parties before scheduling mediation to make sure that mediation is appropriate.



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This two-day training provides 15 hours of CLE credit, including 1 hour of Ethics. MSEI Director Annie Tucker co-facilitates with Kirsten Faisal, the State Trainer for the Iowa Coalition Against Domestic Violence (ICCADV). They developed a curriculum that is used and MSEI produced a video that is used that has Steve Sovern as mediator, Frank Nidey and Jan Rutledge as divorcing parties. Steve is shown screening both parties for domestic abuse, mediating, caucusing with both parties, resuming mediation and then terminating the session. 11 people attended.

November 4: *Overcoming Obstacles to Women's Leadership*. Five speakers. 32 people attended.

Annual Roster Mediator fee: MSEI earned \$4086.78 from the annual fee of \$120 for roster mediators (\$10 per month) instituted in 2016. In 2015 the fee generated \$3736.48. (The odd number is due to fees taken out when paid by Paypal.) The number of roster mediators has dropped each year since instituting the fee. The most commonly cited reason for leaving the roster is 'not generating enough income from mediation.'

Expenses

MSEI's primary expenses are the Director's salary for 15 hours per week, payroll taxes, a work study student at 10 hours per week, office expenses, expenses related to the CLE courses, and hosting our website and online database.

Financial challenges

MSEI will work on increasing income from sponsored continuing legal education courses (CLE's). A goal is to have a stable income and to increase paid staff hours.

Focus

We intend to expand our outreach about resolving conflict more broadly throughout the Corridor. Annie provided trainings for the City of Cedar Rapids and the Meskwaki Tribe in 2016. We want to increase referrals to the Restorative Justice Program. We intend to bring the circle process to schools and the community.

**Mediation Services of Eastern Iowa
Profit & Loss Prev Year Comparison
January through December 2016**

	Jan - Dec 16	Jan - Dec 15	\$ Change	% Change
Ordinary Income/Expense				
Income				
4 · Contributed support				
4010 · Contributions (indiv/biz)	50.00	350.00	-300.00	-85.7%
4230 · Grant income	4,487.93	751.64	3,736.29	497.1%
Total 4 · Contributed support	4,537.93	1,101.64	3,436.29	311.9%
5 · Earned revenue/income				
5180 · Continuing Ed. Program Income	11,382.93	6,915.00	4,467.93	64.6%
5190 · Contracted Training Services	1,815.11	0.00	1,815.11	100.0%
5220 · Mediation Ed Class-Income	15,750.00	15,617.75	132.25	0.9%
5235 · On-Line Video Revenues	8,100.50	7,908.61	191.89	2.4%
5420 · Roster Mediator Fees	4,086.78	3,736.48	350.30	9.4%
5499 · Extra-ordinary Revenues	3,978.00	2,517.52	1,460.48	58.0%
Total 5 · Earned revenue/income	45,113.32	36,695.36	8,417.96	22.9%
Total Income	49,651.25	37,797.00	11,854.25	31.4%
Gross Profit	49,651.25	37,797.00	11,854.25	31.4%
Expense				
7000 · Grant & contract expense				
7015 · Restorative Justice Grant - Exp	4,535.69	0.00	4,535.69	100.0%
Total 7000 · Grant & contract expense	4,535.69	0.00	4,535.69	100.0%
7500 · Personnel expenses				
7540 · Director's Salary (after taxes)	18,177.24	18,176.64	0.60	0.0%
7541 · Employer's Payroll Taxes	7,280.94	6,369.50	911.44	14.3%
7543 · Worker's Comp Insurance	296.00	326.00	-30.00	-9.2%
7544 · Payroll Service	1,320.00	50.00	1,270.00	2,540.0%
7545 · CLE Speakers	0.00	100.00	-100.00	-100.0%
7550 · Work Study & Temporary Help	2,671.13	1,629.23	1,041.90	64.0%
Total 7500 · Personnel expenses	29,745.31	26,651.37	3,093.94	11.6%
8100 · Non-personnel expenses				
8110 · Supplies – Office	408.95	621.64	-212.69	-34.2%
8115 · CLE Expenses	4,459.58	1,738.18	2,721.40	156.6%
8116 · CLE Facility Rental/Catering	1,477.43	3,980.33	-2,502.90	-62.9%
8117 · Refunds - CLE Registrations	185.00	165.00	20.00	12.1%
8130 · Telephone	573.31	550.09	23.22	4.2%
8140 · Postage, Shipping, Delivery	26.78	0.00	26.78	100.0%
8161 · D & O Liability Insurance	450.00	0.00	450.00	100.0%
Total 8100 · Non-personnel expenses	7,581.05	7,055.24	525.81	7.5%
8300 · Travel & meetings expenses				
8320 · Conference, Convention, Meeti	0.00	216.68	-216.68	-100.0%
Total 8300 · Travel & meetings expenses	0.00	216.68	-216.68	-100.0%
8500 · Misc. Expenses				
8530 · Membership dues - organization	40.00	160.00	-120.00	-75.0%
8560 · Outside computer services	2,483.00	0.00	2,483.00	100.0%
8565 · Online Video Expenses	0.00	228.00	-228.00	-100.0%
8590 · Other expenses	0.00	35.00	-35.00	-100.0%
8599 · Extra-ordinary Expense Items	7,140.00	1,747.62	5,392.38	308.6%
Total 8500 · Misc. Expenses	9,663.00	2,170.62	7,492.38	345.2%
Total Expense	51,525.05	36,093.91	15,431.14	42.8%
Net Ordinary Income	-1,873.80	1,703.09	-3,576.89	-210.0%
Net Income	-1,873.80	1,703.09	-3,576.89	-210.0%