

Community Mediation Program

Summary

Organization: Dispute Resolution Center
of Thurston County

- Program: **Community Mediation Program**
- Location: **Olympia, WA**
- Established: **1991**
- Cases per year: **2172**
- Case length: **35 days**
- Cost: **\$630/case**
- Impact: **46% of general civil cases in Thurston County, WA**

Operations

- Staff: **14**
- Volunteers: **161**

Support

- Community: **65%**
- Government: **35%**

Impact Story - “We talked for the first time in 4 years.”

When “Jim” returned from active duty, he had a tough time communicating with his family. He and his wife, “Brooke,” were still married, but still lived a few blocks away from each other. They had two daughters together, aged 12 and 14 at the time. The girls told their mom that they didn’t want to go over to dad’s house anymore, because there were too many people coming and going, and that dad was checked out most of the time.

Brooke wanted an amicable divorce so she could move on with her life, and she wanted her kids to have regular, supervised contact with their father, but Jim wasn’t willing to do that. Brooke decided to call the Dispute Resolution Center of Thurston County. After talking to Brooke, DRCTC staff called Jim and encouraged him to try mediation.

In the first mediation session, Jim was slow to talk, and spoke quietly with few words. TDRC mediators worked hard to slow down the session and be attentive to him so he could respond and actively participate. Through the process, Jim was able to

clearly communicate that he wanted to see his kids regularly.

At the end of the session, Brooke and Jim were able to agree to have the girls visit him in a neutral place with Brooke present, and to attend another mediation session. Brooke said that was the first time her and Jim had talked in 4 years.

History of the DRCTC

Evan Ferber, founder of the Dispute Resolution Center of Thurston County (DRCTC), describes himself as a hippie. “I started the center because I just believed that peace was possible,” he says. DRCTC was one of numerous dispute resolution centers formed in response to the 1984 Court Improvement Act, a response by the Washington state legislature to rising concerns about the cost and complexity of court proceedings. The 1984 act laid out the legal framework for alternative dispute resolution, including community mediation, in the state.

DRCTC opened its doors in 1991 with their community mediation program. Since then, the DRCTC has relieved Thurston County’s court system of over 120,000 potential,-

cases, and takes on 46% of Thurston County, WA's general civil caseload⁷⁵ - over 2,000 cases per year.

How DRCTC's Mediation Program Works

At first, DRCTC's mediation program primarily received referrals from attorneys and other members of the court. "In the early days, the cases that were coming our way were judicial officers, attorneys basically saying to their clients 'You know what? You guys have a different way you can approach this. How about you call the dispute resolution center?'," says Jody Suhrbier, DRCTC's Executive Director.

Since then however, the center has worked hard to get more referrals directly from the community. Today, 55% of referrals to DRCTC contact them before they reach the justice system. "We really want to not just be a court-adjacent service," Jody says. "We actually do a lot of promotion and advertising where we get our name and our conflict resolution resource line out into the community."

The resource line is where a potential mediation starts. On the line, trained facilitators ask the caller pointed questions about their dispute, what actions they've already taken, and what potential solutions they have in mind. If

the caller wants to continue with mediation, the facilitators explain DRCTC's facilitative mediation model. "As much as we might like to believe that everybody understands what the facilitative mediation model is, there's a lot of confusion about it. Folks can very easily assume that they are coming to us to be their arbitrators, their judges, or even coming to us for an evaluative process. That's just not what we do," Jody says.

If the caller wants to continue with mediation, DRCTC facilitators will then reach out to the other party. This part can take awhile if the caller hasn't given the other party a heads-up that they will be contacted. "Sometimes [the caller] just gives us the contact info and we reach out cold. And that can take a little bit if folks weren't expecting us," Jody says.

After both parties have been contacted, a mediation is scheduled. Jody emphasizes that although some mediations are mandatory, the court only mandates that the parties show up, not that they mediate. DRCTC facilitators make sure the parties know the process is voluntary from there. "We emphasize for folks that while you were told to come, you have met your obligation to the court by showing up, but very rarely do parties choose to leave once the session has begun."

⁷⁵ *Rep. Courts of Limited Jurisdiction 2019 Annual Report: Annual Caseload Report*. 176. Washington State Courts, 2020. <https://www.courts.wa.gov/caseload/content/archive/clj/Annual/2019.pdf>.

Once the parties enter mediation, DRCTC typically uses a two-facilitator mediation model. Jody says this helps ensure that their mediations are balanced. “Having two different individuals at the table can help balance the sense of what the process is for the parties. They can see that there isn’t just one person that I need to plead my case to, but rather that there are two facilitators, and very much a balanced approach as to who does what.”

In the mediation itself, DRCTC facilitators follow the facilitative mediation model. They start by informing parties of the legal guidelines around the mediation, namely that the mediation itself is confidential and that the agreement is legally binding when sent to the court. Then, they ask each party to share their version of the events, first with the facilitators, and then with each other.

Then, the parties enter negotiations, where they can ask questions of one another and start exploring solutions. “The bulk of the session is in negotiation,” Jody says. At that point, “it’s no longer time to state your case to us, but to consider what you’d like to ask of the person in front of you or the thing you might like to offer.”

At any time, either party can “caucus,” or have a private conversation with the facilitators to work through something or deal with a difficult issue. As the mediation is coming to an end, the facilitators will note down any agreements that are made and write up the settlement agreement. “Folks know in

advance it’s intended to be a legally binding agreement, so they’re really intended to hold it with high regard,” Jody says.

Impact

\$135 Per Case	35 Days to disposition	83% Full or Partial Agreement
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There are two big indicators of the DRCTC mediation program’s impact over the years. The first one is the agreement rate. Over 83% of DRCTC mediations reach a partial or full agreement. However, Jody says, the agreement number isn’t the only thing they measure success by. “In our evaluations, that folks fill out when they’re done, we’re not just measuring whether or not they reached agreement because their own sense of satisfaction is a key part of it.” Even if mediation participants don’t reach a specific agreement, 90% of participants in DRCTC mediations say they are satisfied with the process.

Another big benefit of mediation is that it allows participants to create their own solution, Jody says. “It may be a rare occasion for them to truly have a voice in their conflict and feel empowered to address it. But in mediation “[they] have that self determination to come up with an outcome that is truly theirs.” Participants can also learn how to handle their own conflicts just by watching the facil-

itators' example. "We also get a lot of feedback from folks that they just so appreciate being around the mediators, because there's just something about being with skillful facilitators where you notice these people just being calm and interactive with one another and it can't help but influence your behavior, at least somewhat, as well," she says.

This leads into one of DRCTC's greatest impacts, which is that the skills participants learn in mediation often spread far beyond the mediation they are in. "For instance, folks will say I took your training 15 years ago and now I serve on this committee at my church and I found myself using the golden questions." Jody says that is DRCTC's ultimate goal. "Our vision is that everybody has these skills and uses them. We don't want to mediate for the whole community."

On average, every DRCTC mediation is completed within 35 days of referral. They charge each mediation participant \$165, on average, from a sliding scale based on income and ability to pay, while the actual cost to the DRCTC per mediation is \$630/case.

Why it Works

The number one reason DRCTC's mediation program works, Jody says, is that it's a community effort where the mediators are made up of the community and representative of the community. "When you can effectively hold this constantly changing mix of over a

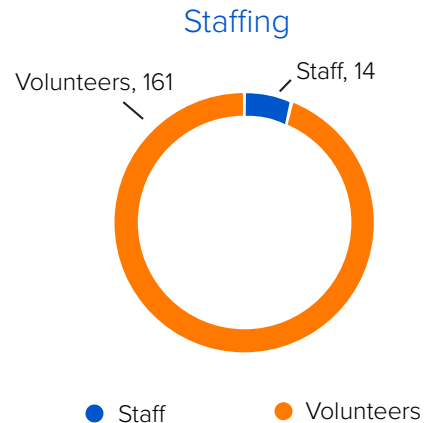
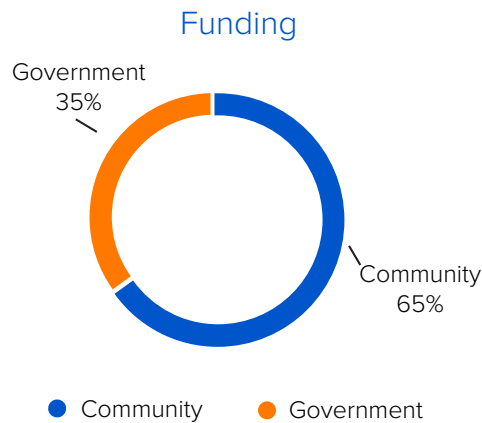
hundred volunteers and keep everybody going in the same direction while learning from one another, it just makes for a really rich process."

That community learning is the second thing that makes DRCTC's mediation program work. "All throughout the process from training, to certification, to recertification, there's always this commitment to learning and growing and benefiting from the wisdom of those around us," Jody says. "I think that is what makes us work and what makes our process continue to be honed and really just consistently appropriate and effective."

These two things combine to help drive the sense of purpose for everyone at DRCTC, Jody says. "If you have both of those things, where you have this deep commitment to the place where you live and you have this wonderful learning community that continues to develop and grow together, it creates a sense of family, a sense of purpose."

Funding and Support

DRCTC's mediation program is 65% community supported, including voluntary donations, volunteer hours, and fees for services, and receives 35% of its income from state and local government contracts and grants.



14 staff are involved in the program. DRCTC staff cover about half of the center’s mediation intakes, follow-up with parties, participate in some mediations, and provide volunteer support. DRCTC’s 161 volunteers serve as mediators and handle about half of the intake and preparation needed for mediations.

For advice on implementing a similar program in your community, contact the DRCTC at <https://www.mediatethurston.org/>.

How to Implement a Community Mediation Program in Your Community

Jody’s advice for implementing a similar program is to focus on the main thing that makes community mediation work - community. “It comes down to a lot of the same things that are going to make a community mediation center thrive in the future. It’s having a real strong understanding and commitment to the core tenets of what it means to have a community mediation center, as far as being community-based, accessible, and representative of the community, not just being an arm of the court, and then committing to setting up programs and services that are in line with what the community most needs and wants to be strong and thriving.”