

New Hampshire Mediation Training Survey

This survey is being conducted in connection with two mediation trainings. One training will be held on November 2, 2017 by the US District Court for the District of New Hampshire, the New Hampshire Judicial Branch Office of Mediation and Arbitration, and the University of New Hampshire School of Law. The other training will be held on November 3, 2017 by the New Hampshire Judicial Branch Office of Mediation and Arbitration. This survey is conducted for the New Hampshire Mediation Training research study. The purpose of the study is to learn about about practitioners' experience and views about mediation. Some or all of the results will be used to help design the trainings and will be presented during the trainings. In addition, the results will be provided to attendees following the training and will be included in research publications and presentations about these issues.

If you are participating in both the federal and state court trainings, please complete the survey **only once**.

It should take you 5-10 minutes to complete the survey. The survey is anonymous and you will not be identified in dissemination of the results.

There will be no risk to you for participating in this research. You would get the benefit of learning about the experience and views of other New Hampshire practitioners.

Your participation is voluntary and you can decline to answer any or all questions. If you refuse to participate or withdraw, there will be no penalty or loss of benefits to which you are otherwise entitled.

If you have any questions about this project, you can contact John Lande at 573-234-1745 or landej@missouri.edu. If you have any questions about your rights as a research subject, you can call the University of Missouri Campus Institutional Review Board at 573-882-9585.

Do you consent to participate in this survey?

- Yes - please complete the survey
- No - please do not complete the survey

1. Which of the following mediation trainings do you plan to attend? (Check all that apply.)

- federal court training for mediators on Thursday morning**, Nov. 2
- federal court training for lawyers on Thursday afternoon**, Nov. 2
- state court training on Friday**, Nov. 3

2. If you have a law degree, how long has it been since you received your degree?

- less than 1 year
- 1-5 years
- 6-10 years
- 11-20 years
- 21-30 years
- 31 years or more
- I don't have a law degree

3. If you **serve as a mediator**, how many years have you served as a mediator?

- less than 1 year
- 1-5 years
- 6-10 years
- 11-20 years
- 21-30 years
- 31 years or more
- I don't serve as a mediator

4. Are you a judge or a retired judge?

- yes
- no

5. Are you on the federal court's mediation panel?

- yes
- no

6. Are you contracted with the State of New Hampshire to conduct mediations?

- yes
- no

7. About how many mediations have you participated in in any role in 2017?

- none
- 1-5
- 6-10
- 11-30
- 31-100
- 101-200
- 201 or more

8. In about how many mediations have you participated in in any role in **your entire career**?

- none
- 1-5
- 6-10
- 11-30
- 31-100
- 101-200
- 201 or more

9. How much of your practice in 2017 has been in the following roles? (The percentages must add to 100%.)

Mediator	_____
Arbitrator	_____
Neutral case evaluator or marital master	_____
Lawyer representing clients	_____
Mental health professional	_____
Teacher or trainer	_____
Other	_____
Total	<u>100</u>

10. In the mediations you attended in 2017, which role have you had most often?

- Mediator
- Lawyer on the plaintiff's side
- Lawyer on the defendant's side
- Other

11. How much of your mediation experience in any role in 2017 has dealt with the following subjects? (The percentages must add to 100%.)

Small claims	_____
Family, including juvenile	_____
Probate	_____
Employment / civil rights	_____
Employment / other issues	_____
Torts	_____
Criminal	_____
Construction	_____
Other civil	_____
Other	_____
Total	<u>100</u>

12. In the mediations you participated in **as a mediator** in during 2017, indicate the proportion of these cases in which the following actions occurred. If you did not act as a mediator in any cases in 2017, skip this question.

	Few or no	Minority	Half	Most	Almost all
All lawyers (or parties) provided substantive mediation memos before the mediation session?					
All lawyers (or parties) had a substantial discussion about the mediation with the mediator before the mediation session?					
There was there a substantial joint session during the mediation with all sides ? This does not include a joint session that covers only the process.					

13. In the mediations you participated in **as a lawyer** in during 2017, indicate the proportion of these cases in which the following actions occurred. If you did not act as a lawyer in any cases in 2017, skip this question.

	Few or no	Minority	Half	Most	Almost all
All lawyers (or parties) provided substantive mediation memos before the mediation session?					
All lawyers (or parties) had a substantial discussion about the mediation with the mediator before the mediation session?					
There was there a substantial joint session during the mediation with all sides ? This does not include a joint session that covers only the process.					

14. In the **mediations you participated in as a mediator** in 2017, indicate the proportion of cases in which you engaged in each of the following activities. If you did not conduct any mediations in 2017, skip this question.

	Few or no	Minority	Half	Most	Almost all
Spent a substantial amount of time discussing the parties' underlying interests (i.e., not merely saving time and money or settling the case)					
Suggested possible ways to resolve issues					
Asked pointed questions that raise issues					
Gave analysis of case, including strengths and weaknesses					
Recommended a specific solution for settlement					
Made predictions about likely court results					
Applied some pressure to accept a specific solution					

15. In the **mediations in which you represented a party** in 2017, indicate the proportion of cases in which the mediator engaged in each of the following activities. If you did not represent a party in any mediations in 2017, skip this question.

	Few or no	Minority	Half	Most	Almost all
Spent a substantial amount of time discussing the parties' underlying interests (i.e., not merely saving time and money or settling the case)					
Suggested possible ways to resolve issues					
Asked pointed questions that raise issues					
Gave analysis of case, including strengths and weaknesses					
Recommended a specific solution for settlement					
Made predictions about likely court results					
Applied some pressure to accept a specific solution					

16. For each of the following activities, indicate the proportion of your cases that you think the activity **by the mediator would be helpful (regardless of how often it has happened in your cases in the past)**.

	Few or no	Minority	Half	Most	Almost all
Spent a substantial amount of time discussing the parties' underlying interests (i.e., not merely saving time and money or settling the case)					
Suggested possible ways to resolve issues					
Asked pointed questions that raise issues					
Gave analysis of case, including strengths and weaknesses					
Recommended a specific solution for settlement					
Made predictions about likely court results					
Applied some pressure to accept a specific solution					

17. What are some of the most challenging problems you have experienced in mediation in 2017? Include experience as a lawyer or mediator.

18. What topics would you like to be covered in this training?