

**Research and Scholarship with a Real-World Focus:
Methodologies and Terminology**

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Real World – everything our field does fits, in the sense that we want to ultimately improve practice

Empirical: draw conclusions based on observations of facts in the real world

- Assume also: Statistically significant number of observations rather than anecdotes
 - o A description of one mediation or negotiation is empirical, technically
- Task force report shows how little empirical research there is

What do we study?

- Dependent variables are the outcome measures of interest – essentially the “what”
 - o Settlement rate is a standard one
 - Satisfaction with process has typically been seen as independently important
 - o Questions:
 - Is settlement also the best outcome? Not necessarily!
 - Efficiency, in terms of time and cost should be studied
 - How the cooperative surplus is divided is often overlooked
 - Whether the pie is expanded is often overlooked
 - By only looking at settlement, we imply this doesn’t matter
- Independent variables are factors that we hypothesize could have effect on DVs
 - o Need to have some prior assumptions about causation in order to know what to study
 - Whether mediators offer evaluation is likely IV, color of shoes not
 - So, we’re going to code former but not the latter if we’re observing
 - o Big problem if we don’t know what we don’t know

Can divide the world into experimental and non-experimental designs

- non-experimental:
 - o We observe events where there are almost always going to be multiple IVs
 - o Want to look at evaluation, subject matter, caucusing affect outcomes
 - o Going to have trouble drawing conclusion about causality
 - 1. One IV might cause another IV and the DV
 - Ex: Emp disputes settle, but because emp mediators use evaluation
 - o So its evaluation doing the work, not the subject matter
 - Solve this problem w statistical models that control for other IVs
 - o Ex: holding evaluation constant, are EDs likely to settle
 - BUT, you need large amounts of data for statistical significance
 - 2. Causation might be result of unidentified factors correlated with IV
 - Ex: runners live longer because they are in better health
 - o Can control for some markers of health but maybe not all
 - o Makes it hard to feel confident about prescriptions from non-experimental studies
 - Always likely to be unobserved variables doing the causal work
- Experimental studies you try to build environment with few IVs, causal conclusions stronger
 - o Have half disputes use evaluation and half no evaluation
 - Same subject matter, none allowed to use caucusing
 - o Random assignment can reduce possibility of unobserved variables
 - Maybe some mediators are better in unobservable ways
 - Randomly assigning half to both groups should cause this to even out
 - o Usually easier to determinate causality within the data set
 - o Problem is external validity – will results apply in real world settings not captured?
 - Ex: recently published “Bargaining with the CEO”
 - Hypothesized corps could pay execs less w/out sacrificing quality
 - Varied one IV across groups: method of negotiation
 - Problem: subjects dont have same concerns as participants in negotiations
- Natural experiments are a great thing to look for
 - o Some group of actual disputes that are different in one way from another group
 - o Ex: law or court rule prohibits caucusing in employment mediation
 - Compare cases mediated just before and just after the change