

# MetroCourt Project Final Report: A Study of the Effects of Ethnicity and Gender in Mediated and Adjudicated Small Claim Cases

*Hermann, Michele; LaFree, Gary; Rack, Christine; West, Mary Beth. Jan. 1, 1993*

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This report is a result of a study that examined how women and minorities fared in mediated and adjudicated small claims civil cases in Bernalillo County, NM. It evaluated results in mediation and adjudication using two measures: 1) the objective formula for outcome developed by Vidmar, and 2) subjective measures of satisfaction. The study found that minority claimants consistently received less money than non-minorities, while minority respondents consistently paid more. These results were more extreme in mediated cases than in adjudicated cases. Gender did not have an effect on monetary outcomes, except that female respondents paid less in mediated than in adjudicated cases. Minority claimants were more likely than non-minority claimants to express satisfaction with the mediation process. Minority women were the most satisfied with the process, despite the fact that they were more likely to receive less as claimants and pay more as respondents.

**Description of Study:** Looked at whether women and minorities achieved different results than males and non-minorities in both adjudicated and mediated small claims cases in Albuquerque, NM.

**Method:** Collected three data sets: a “civil” sample that was drawn from the Court’s Civil Division records for cases filed during the year of the study; a “random sample” that represented “randomly selected cases from which the mediated cases eventually emanated”; and a “study sample” made up of mediated and adjudicated cases from the main part of the study. The civil sample was used to determine the characteristics of civil cases. The random sample was used to compare characteristics of cases that went to mediation to those of cases that did not. The study sample was the sample for which the comparison of satisfaction and outcomes was conducted. For the study sample, telephone interviews of parties were conducted as

soon as possible after mediation or trial. Follow up questionnaires were sent six months later. The true monetary outcome was derived from Vidmar's formula: final award minus admitted liability divided by amount claimed minus admitted liability.

**Comparative:** Yes

**Comparison Groups:** Cases that went to mediation and those that did not

**Sample Size:** 603 total cases from the "study sample": 323 adjudicated and 280 mediated

**Variables Examined:** Satisfaction with the outcome, satisfaction with the process, monetary outcome, long-term satisfaction with the case, perceived fairness of the outcome

**Program Variables:** Voluntary, free program mediated by volunteer co-mediators on-site.

**Findings:** Minority claimants paid more and minority respondents received less in mediation than non-minorities, but had the highest rates of satisfaction. White women paid less in mediation, but had the lowest rate of satisfaction. The disparity between minorities and non-minorities was eliminated when two minority mediators were involved. Over all, claimant satisfaction with the outcome and the process was the same for adjudication and mediation; respondent satisfaction was higher for mediation than for adjudication, and higher than that for claimants in mediation. Long-term satisfaction with the outcome was greater for mediation respondents than for adjudication respondents. The same percentage of claimants in both processes reported long-term satisfaction. Parties who reached agreement in mediation were far more likely to express satisfaction with mediation outcomes than those who did not reach agreement.