



My favorite part of the mediation clinic was mediating small claims cases at the courthouse. By having members of our clinic serve as volunteer mediators, parties that would otherwise appear at trial before the judge were given the opportunity to listen to one another and settle their own disputes. Instead of leaving small claims with one winner and one loser, in many cases both parties were able to leave feeling like they had taken their dispute into their own hands and arrived at a settlement of their own volition. Mediation allows parties to arrive at creative solutions that are outside of the jurisdiction of a small claims judge. For example, in one case I mediated the defendant offered to help the plaintiff find a job. This type of solution would not have been available in court. By empowering parties to settle their own disputes we were able to provide a service to the parties themselves and to the larger community. The community benefits from mediation because the overburdened court system's workload is reduced and the disputants are able to feel like they played a role in determining the fate of their dispute. In this way, the mediation clinic helped me to learn a new skill while serving the community.

Molly Leaverton, Class of 2011

"I came to the Mediation Clinic wanting to be a more effective advocate for my future clients. I finish a better listener, equipped with a new tool to deal with conflict in my profession and in my life. "

Ian Warner, Class of 2011

"Of all the classes and experiences I have had during law school, the Mediation Clinic has provided me the greatest insight into the motivations and needs of disputants. Regardless of the area of law in which you are planning to practice, these are invaluable lessons to learn."

Michael Drummond, Class of 2012

MEDIATION CLINIC OVERVIEW

The Mediation Clinic gives law students the opportunity to help parties resolve their disputes without entering into litigation or arbitration. As aspiring attorneys, the students who participate in the Clinic learn to empower parties – from individuals to multi-million dollar corporations – to take control of their own settlements and problem resolution. Considering that around 95% percent of cases never go to trial, the tools provided by the Mediation Clinic experience are crucial to the future endeavors of law students who will likely be involved in negotiations and mediations throughout their careers.

Each year, sixteen students participate in the Mediation Clinic. These students are divided into two cohorts: a Fall/Winter quarter cohort, and a Winter/Spring quarter cohort. In the 2009-2010 academic year, a total of 114 cases were referred to the Clinic, of which 56 were ultimately mediated. Of those cases mediated, 35 cases were settled, for a settlement rate of about 63% percent. Even in cases that did not result in a settlement, the parties who mediated left with a better understanding of the conflict, the other side's perspective, and options for next steps.

This year, Mediation Clinic faculty and students spent a total of 523 hours mediating cases. As a result of this time, 35 agreements were reached between disputing parties without any other person or agency making the decision for them.

DATA

CASES REFERRED: The Mediation Clinic receives case referrals from several community sources, including Student Legal Services at the University of Washington, the Washington State Bar Association, and 211 Information and Referral. Student Clinic staff members are generally responsible for convening these cases for mediation, when appropriate. This year, 69 cases were referred to the Mediation Clinic for potential mediation through community referrals.

The Equal Employment Opportunity Commission (EEOC) is a major referral source of cases for mediation. These cases provide valuable mediation experience for Clinic students even when they do not reach the mediation stage, as the issues involved are often complex, and students engage in negotiations on the phone prior to the mediation. Many skills come to bear in the process of bringing parties to the mediation table. In EEOC cases, students regularly face the challenge of mediating between an unrepresented party and corporate counsel.

Small Claims Court serves as another referral source of cases. The Clinic continued its collaborative relationship with the Dispute Resolution Center of King County and the King County District Court to offer this opportunity to our students.

Additional referral sources for 2010-2011 include Legal Voice, Washington State Bar Association Lawyer Referral Service, Washington State Bar Association Ethics Committee, King County Bar Association Neighborhood Legal Clinics, University of Washington Department of Philosophy, University of Washington Student Legal Services, prior clientele, and advertisements in the Daily newspaper.

Table 1. Cases Referred (Total: 114)

	Total	Fall/Winter	Winter/Spring
Community	66	42	24
EEOC	19	10	9
Small Claims	28	18	11
Total	114	70	44

CASES MEDIATED: Of those cases referred, 68 were mediated. (In many of the cases that do not go to mediation, our case developers make appropriate referrals, and assist parties to evaluate their options and find the best approach to resolve their situation when mediation is not the preferred choice. The cases mediated by the Clinic this year helped many parties get on with their lives and businesses. The work of the student mediators also helped to alleviate the burden of overwhelming case loads faced by many of the Clinic's referral agencies.

Table 2. Cases Mediated (Total: 56)

	Total	Fall/Winter	Winter/Spring
Community	12	7	5
EEOC	13	4	9
Small Claims	31	18	14
Total	56	29	25

CASES SETTLED: Cases settled indicates which cases among those mediated resulted in an agreement between the parties. The Mediation Clinic settled approximately 70% of its cases.

Table 3. Cases Settled (Overall: 35 cases, 63 percent)

	Total		Fall/Winter		Winter/Spring	
	%	No.	%	No.	%	No.
Community	58	7/12	57	4/7	60	3/5
EEOC	54	7/13	50	2/4	56	5/9
Small Claims Court	68	21/31	78	14/18	54	7/13
Total	63	35/56	69%	20/29	56	15/27

HOURS EXPENDED ON CASES: The mediation clinic staff provides a tremendous service to the public by not only convening cases for mediation, but also making referrals when appropriate, and oftentimes being “an ear to listen.” Many people who contact the clinic simply need to talk to someone about their dispute. Often these calls result in referrals to other agencies and just as often the person, having talked through the issue, no longer feels that he or she needs to take any action.

In a city with so many social service and legal assistance agencies, most of which by necessity use automated phone systems, it is crucial that members of our community have a place where they can call and get referred to an appropriate source of help. The Mediation Clinic is that place for many people and we believe that the spirit of mediation and the empowerment of parties goes hand in hand with a commitment to helping others find the right path to solving their own problems – even if they never walk through our doors.

Table 4. Estimated Student/Faculty Hours Expended (Total: 523)

	Total	Fall/Winter	Winter/Spring
Settled Cases	430	217	213
All Cases	523	281	242

It is important to note that of the 66 cases referred to the Clinic for mediation by community organizations, 48 community-based cases never reached the convening stage. Although not reflected in the table above, Clinic staff members spent numerous hours helping these individuals find solutions to their disputes.

COMMUNITY OUTREACH

For the past two years, Mediation Clinic students have conducted a "Conflict Management" workshop for UW campus student leaders at the Ethnic Cultural Center. The workshop, designed and delivered by the law students, was intended to help the attendees gain perspective on their individual approaches to conflict, and provide practical tools to assist them when facing a conflict with another individual. The 90-minute session included demonstrations and hands-on practice in listening and showing understanding of another person's perspective. The workshop was a culminating activity for the Mediation Clinic students, who finished the course at the end of winter quarter.