



RSI

Eviction Mediation Design and Implementation in Illinois' 16th Judicial Circuit:

CHALLENGES AND KEYS TO SUCCESS

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INTRODUCTION

When the Covid-19 pandemic hit and millions of people were laid off, housing experts predicted that a dramatic increase in evictions would follow. To prevent large numbers of people from becoming homeless during the pandemic, the Governor of Illinois instituted a moratorium on evictions on April 23, 2020. After multiple extensions, it was lifted on October 3, 2021. The 16th Judicial Circuit of Illinois, located in Kane County, was concerned about what some called the “tsunami” of evictions that would flood the court once that moratorium ended. The 16th Circuit eviction judge agreed with the state’s goal of avoiding homelessness and thought mediation could help in this regard, particularly in avoiding families being removed from their homes by the sheriff. Further, the court only had one eviction judge, who was also hearing other cases and would not be able to handle a steep rise in cases. It was in light of this that in July 2020 the court went to Resolution Systems Institute (RSI), which was administering the court’s foreclosure mediation and child protection mediation programs, to seek an ADR-based solution.

At the time the court approached RSI for help to prepare for the rise in eviction cases, the courthouse was closed to the public, and federal and state funding was promised for rental relief. These two factors were intrinsic to the design of the resulting eviction mediation program.

The court launched the program on May 18, 2021. The program involved referrals to financial counseling and legal services, with video mediations conducted via Zoom. By the end of 2021, 81 cases had been mediated, with 67% reaching agreement. [Post-mediation surveys suggest](#) that participants were highly satisfied with their experience and found the program was fair and effective.

This report discusses the process of developing and implementing the program, as well as the reasons behind the program’s design. It also lays out the challenges and successes experienced, as well as changes the court and RSI made in response to the challenges the team encountered. The report is based on interviews conducted between October and December 2021 with:

- The eviction judge
- RSI’s Associate Director (AD), who was heavily involved in program development and implementation
- The program coordinator (PC), who was hired just prior to the program’s launch
- The managing attorney for the West Suburban office of Prairie State Legal Services (Prairie State)
- The director of Aurora Financial Empowerment Center (FEC), the financial counseling partner organization for the eviction mediation program

PLANNING FOR THE PROGRAM

Mediation Program Context and Overview

The mediation program was conceived as a central point of contact for multiple services to help tenants and landlords navigate the court process, obtain financial assistance, and address housing issues. It was designed within the following context:

- The courthouse was closed due to the Covid-19 pandemic
- The widely held expectation that evictions would surge when the moratorium on evictions ended, with the demand for mediation rising significantly as well
- Significant rental relief (funds to help tenants pay their back and future rent) was available through the Illinois Housing Development Authority
- Tenants and landlords needed to know whether rental relief would be provided to them in order to reach an agreement
- The eviction process needed to keep moving forward while rental relief and mediation options were being sought
- Almost all tenants in eviction cases are self-represented, as are some landlords
- There was the potential for external funding

This context meant that the program needed to be a remote process, with cases triaged quickly and referred for other services prior to mediation. Anticipating a large number of cases, the program required a large number of mediators. RSI and the court therefore designed the program as a free, multi-step process with a full-time coordinator, legal aid and financial counseling partners, and paid mediators, all of which was possible due to the availability of external funding.

PROGRAM CHARACTERISTICS



Help at Court Hearings



Rental Relief/Financial Counseling



Legal Services



Video Mediation

Planning Process

The program planning process from when the court first approached RSI to help address the looming eviction crisis to the date the program launched took nine months. This, according to RSI's AD, was a faster timeframe when compared to, for example, the length of time it took to launch foreclosure mediation programs in the state. The AD attributed the quick timeline to RSI's longstanding relationship with the court, the court's sense of urgency and interest in the

program, the Administrative Office of Illinois Court’s decision to provisionally approve the local court rule governing the program, RSI’s experience with developing foreclosure mediation programs and good communication among the interested parties.

The first important step in program development was to invite interested organizations and individuals to be involved in the planning process and attend planning meetings. Those who attended the meetings included the eviction judge; the Court Clerk; RSI’s AD; the program coordinator for the court’s foreclosure and child protection mediation programs (who was also an RSI employee); the director of Neighbor Project, a non-profit that assists county residents with housing issues; the director of Aurora Financial Empowerment Center (FEC), a service of the City of Aurora and Neighbor Project that provides financial counseling and helps tenants obtain rental assistance; three attorneys from Prairie State Legal Services, which provides legal services to tenants facing eviction; an attorney who represents landlords; the director of the Kane County Law Library; and the director of Northern Illinois University College of Law’s Covid-19 Clinic. Others also attended periodically, including the Kane County Board chair and other housing counseling agencies. The meetings were held via Zoom every two weeks until a few months after the program launched. Since then, meetings continue to be held monthly.

As part of the planning process, RSI drafted [the court rule](#) governing the program, which was modeled on the court’s foreclosure mediation rule. To get the landlord and tenant perspective on the rule, RSI’s AD asked for input from the landlord attorney and Prairie State. Once they reviewed and commented on the rule, he asked the director of the law library to weigh in on the wording and formatting to be sure that it fit the standard for court rules. The eviction judge then reviewed the rule, approved it and moved it forward for approval by the circuit judges of the 16th Judicial Circuit. The court-approved rule was then sent to the Administrative Office of the Illinois Courts for final approval.

PROGRAM PARTNERS

16th Judicial Circuit

Hosts the program and provides logistical support

Resolution Systems Institute

Administers the program

Aurora Financial Empowerment Center

Provides financial counseling

Dispute Resolution Institute

Pays mediators

Kane County Law Library & Self Help Legal Center

Helps landlords and tenants navigate the process; refers parties to the mediation program

Northern Illinois University

Students staff the help desk during court calls

Prairie State Legal Services

Provides legal services

RSI's other planning activities included hiring the PC, recruiting mediators, and creating the post-mediation report that is sent to the court. RSI also determined what data would be needed to monitor and evaluate the program as well as to provide funders the statistics they required. It then found and customized software to manage cases and track case data, and designed party and mediator surveys. See Appendix A for a list of data collected for this program.

Prairie State prepared by developing training materials for those staffing the help desk and preparing Prairie State phone intake staff to inform tenants about the mediation program and other resources available to them.

Once the PC was hired, the FEC collaborated with her to design an efficient referral system that permitted them to prioritize service provision to parties referred from the court. Their collaboration resulted in a process (discussed below) that both find efficient and effective.

Funding

From the outset, the court knew it would have limited funds for this program and would need outside funding. The court turned to RSI not only for its expertise in designing and administering mediation programs, but also for its track record of securing grants to support its programs.

RSI and the court collaborated to identify what costs the program would incur for the program to be successful. The court subsidizes the program by providing office space and some supplies, but the program would require a full-time administrator and ideally the mediators would be paid. In addition, partner organizations would require their own funding to provide services.

RSI secured initial funding from the American Arbitration Association Foundation-International Centre for Dispute Resolution. It paid for part of the PC's position and supported a comprehensive evaluation, including this report, and the dissemination of eviction mediation program information, lessons learned and best practices through blog posts, newsletters and social media.

In the spring of 2021, RSI sought and obtained funding from the Illinois Equal Justice Foundation (IEJF), which was tasked with distributing funds in Illinois for projects to help those faced with eviction. During the foreclosure crisis, IEJF was responsible for disbursing funds to programs aimed at reducing the number of foreclosures. Mediation programs, including those administered by RSI, were among those that received funding. The success of these programs led IEJF to seek funding applications for eviction mediation programs.

Additional funding was secured from IEJF first in summer 2021, and then again at the start of 2022. This multi-wave funding coincided with the various eviction relief appropriations, which were in turn disbursed to the state of Illinois, and then IEJF. With each wave, the program was

able to secure partial funding of its overall anticipated expenses. This resulted in a gradual rollout of services, particularly with regard to hiring personnel.

Mediators are paid via a separate IEJF grant to Dispute Resolution Institute (DRI), a non-profit mediation organization in Carbondale, Illinois. The grant funds both the payments to mediators and DRI’s administration of the payments.

Outreach

Outreach to landlords and tenants was part of the planning process. Just prior to launching the program, the court and RSI disseminated a press release about the program. They also put together the notice about the program that is included in the summons the tenant is served informing them of the eviction filing. It lets the tenants know about the program and offers links to legal services, financial services and helpful information. It took about a month to develop this notice and to make sure the Clerk’s office included the notice with the summons.

As another point of outreach, the law library helped to put [information about the program](#) on the court’s website. The information includes a short description of mediation and a timeline of the eviction process, including mediation. The site also contains links to videos about the mediation program in both English and Spanish, and a video about the overall eviction process. The videos were put together by the Northern Illinois University video department over a three-month period.

Staffing and Mediators

The mediation program started with the PC and RSI’s AD, who included program supervision among his many roles. When RSI obtained additional funding, it hired a part-time assistant and a Manager of Eviction Mediation Programs, who oversees RSI’s three eviction mediation programs.

Personnel Involved in Program in November 2021	
Cases	40-50/week
Judges	1 + assistance from one other
Program staff	1 with .5 more needed
Financial counseling	1 director + 3 counselors
Legal services	1 attorney + help from others (this is not sufficient)
Help desk	1 supervisor and 3 students
Roster mediators	50

The FEC is staffed by a director and three counselors. At Prairie State, one attorney works full-time on eviction cases and gets intermittent help from other staff attorneys. Three Northern Illinois University law students and their supervisor staff the help desk on Thursdays and the law library’s Justice Corps Fellow assists on Tuesdays.

At the start of the program, there were approximately 50 mediators on the program roster, eventually growing to about 80 mediators at the time of publishing this report. This has proven to be a good number. Each mediator is offered the opportunity to mediate once a month, and mediators are available for all scheduled mediations. Because the mediations take place

remotely, RSI was able to recruit mediators who lived in other Illinois counties and some who reside outside of the state.

According to RSI's AD, about half the mediators on the roster came to the program as active, experienced mediators. Many of them were already on the court's foreclosure mediation roster. For these mediators, the Center for Conflict Resolution (CCR) in Chicago held a remote two-hour intensive training on eviction issues. Another 30% were experienced, but had not mediated for more than a year. For them, CCR held a one-day refresher training that focused on eviction mediation. The 20% of roster mediators who applied to mediate and had not yet been trained went through CCR's 40-hour basic training, with a focus on eviction mediation. Mediators are paid \$250 per four-hour block, during which time they may mediate one or multiple cases.

PROGRAM PROCESS

Court Process

The court process for eviction cases starts with the landlord filing for eviction and serving a complaint and summons on the tenant. At the time of the filing, an initial hearing is scheduled and the date is included in the summons. Landlords are required to include a flyer with the summons that informs the tenants of the mediation program and provides the PC's contact information. The landlord and/or tenant can contact the program before arriving for their first hearing, and the PC noted that about 5% of the tenants who seek her help do so before their initial hearing.

One judge hears almost all eviction cases, with another standing in when a party requests a different judge or the other judge is absent. Eviction hearings are held twice a week, with initial hearings on Tuesdays and subsequent hearings on Thursdays. At the time the mediation program started, court hearings were held entirely via Zoom. Since the courthouse re-opened, parties have been allowed to attend in person if they so choose. The result has been a hybrid process, with most parties participating via Zoom and about 10% to 20%, according to the PC, participating in person. The bailiff is in the courtroom, but the judge presides via Zoom. The parties who attend in person interact with the judge on Zoom through a large screen placed in the courtroom.

At the initial hearing, the judge determines whether the case should move forward and sets a status hearing 28 days later. If all paperwork is in order at the status hearing, the judge schedules the case for trial. If not, he schedules another status hearing. Prior to the beginning of the mediation program, the judge did not require the tenant to file an answer. As cases began to rise in fall 2021, he said he began to require they file an answer before the first status hearing both to "separate the wheat from the chaff" and to assuage landlords as the timeline lengthened to accommodate mediation. The judge noted that requiring that tenants file an

answer has been essential; without this requirement he would not be able to handle the rise in cases.

At the beginning of each hearing, the eviction judge informs the parties of the resources available to them and that they should ask him if they want to participate in the court's mediation program. Generally, he refers the parties to mediation during the initial hearing, although he sometimes will find reason to do so at the second hearing. In addition, the bailiff posts a notice in chat for parties attending via Zoom. The notice includes instructions on moving to the PC and help desk breakout rooms and a list of resources with their contact information.

When the program first launched, the judge encouraged parties to use mediation, and strongly encouraged some parties to do so if he thought mediation would be particularly beneficial. If an attorney or party indicated they did not want to mediate, however, he did not require mediation. This has changed over time, according to the judge. He noted in his interview that he has become more insistent on the use of mediation. He said he has also noticed a change in the attitude of some landlord attorneys, who have started to request mediation after seeing the benefits for themselves.

The program coordinator attends the hearings and Northern Illinois University law students and their supervisor staff the help desk on Thursdays, the day status hearings are held. Each has a separate room on Zoom and each also has an in-person presence in the jury room that is attached to the eviction courtroom.

Party Assistance

Tenants, and to some extent landlords, have access to financial counseling, housing counseling and legal services as well as mediation. They can also speak to the law students staffing the help desk during court hearings and go to the law library to get information about how to navigate the court process. Some of these services are available whether the case has been filed or not. This report will focus on how parties access services once an eviction case is filed.

After their hearing ends, tenants can enter the PC's or help desk's Zoom room if they are online or they can go to the jury room to get information in person. Parties who seek legal help at their initial hearing generally need help filing an answer. On Tuesdays, when there is no one to staff the help desk, parties can go to the program coordinator, who cannot provide legal assistance, but gives the parties a handout that steps through the answer filing process. On Thursdays, parties can receive assistance from the law students. However, due to the high number of parties requesting help, the students have moved from answering the parties' questions to getting their contact information so that the law library can later email them an FAQ that answers the basic questions that most self-represented parties have.

If parties talk to the program coordinator for other types of assistance or to set up mediation, she conducts an intake. Because of the number of cases involved, she often only has time to

obtain contact information and obtain a quick summary about their case to see if there's anything she can quickly help them with. This is facilitated for parties who attend their hearing in person by a screening form the PC hands the parties while they wait for their hearing. Before seeing her, the parties can check the boxes on the form of the services they want to receive. After their hearing, they give her the form and she provides them with a list of resources based on their interests, or she takes their contact information for mediation. For those attending via Zoom, she generally takes their contact information back to her office so that she can get in touch later.

If the PC determines that the tenant would benefit from rental relief, the tenant completes a Google Form with the tenant's contact information and the PC informs the director of the FEC that the tenant would like the FEC's services. The director accesses the form, then cuts and pastes the information into the FEC's intake system, which, according to the FEC director, takes "at most a minute." He then assigns a counselor and tells them to give the tenant priority. The director prioritizes the tenant for financial counseling in the hopes that they will know before the scheduled mediation date whether rental relief will be provided before mediation or the next hearing date.

The FEC can also give tenants more intensive services as well. Thus, the initial meeting with an FEC counselor takes 45-60 minutes. During that time, the counselor determines the tenant's eligibility for rental relief, which at the time of this evaluation was available up to \$25,000, and completes the paperwork. They also build trust with the tenant and assess the tenant's financial health. Based on that assessment, the counselor, together with the tenant, comes up with the financial goal the tenant wants to achieve during the second session. They may meet again every two weeks until the goal is achieved.

Tenants who request legal assistance are directed to Prairie State Legal Services. Most are funneled through the [Eviction Help Illinois hotline](#), which was funded through the CARES Act, or through Prairie State's centralized phone intake system. In either case, they will learn about resources to help them. If their income qualifies them for legal services, they will at the very least get legal advice about their case. Prairie State will take the tenant on as a client if they determine that the tenant has a defense against eviction, such as they have paid the rent or have not been properly notified of the eviction. The Prairie State managing attorney considers mediation to be a service to tenants Prairie State cannot help. If tenants who have received a notice of eviction proceedings against them call the hotline or centralized phone intake system, they are informed of the mediation program.

Mediation

Mediation is available for cases involving rental units and homeowners' associations. Parties are not eligible until the eviction has been filed.

Parties are either referred to mediation by the judge or request it themselves. If possible, the PC obtains the contact information for the tenant and the landlord or their attorney at the hearing. When both parties are present, either in person or on Zoom, they can schedule the mediation at that time. This eliminates the need for the PC to exchange scheduling emails afterward. The PC indicated that in these circumstances both parties are more likely to show up for their mediation.

It is not uncommon for the judge to refer a case to mediation at the initial hearing even if the tenant is not present. In those instances, the PC asks the landlord or their attorney for the tenant's contact information. If they do not provide the information, she attempts to find it through Google. If she does not obtain the tenant's contact information, she informs the court before the next scheduled hearing.

Once the PC has both sides' contact information she emails them to schedule the mediation. This "welcome" email includes an explanation of mediation and its benefits, along with a list of helpful resources. Attorneys new to the program are sent an email with a link to the court rule. If both sides agree to a date and time, she puts it on the calendar and assigns a mediator. She almost always is able to schedule the mediation before the first status hearing takes place, but if she has trouble scheduling the mediation, the mediation may take place after that hearing and the case is continued to a second status hearing.

Mediations are scheduled between 8:00am and 4:00pm on weekdays. They are allotted 90 minutes and mediators are assigned a four-hour block, mediating all cases scheduled within that time period. They are paid a flat fee for each block they mediate. Mediation takes place via Zoom. If a party needs an interpreter, that party and the interpreter will both attend mediation from the program's conference room so that the interpreter can provide real-time translation. Otherwise, all parties attend mediation remotely. Most attend by video, but some call in on their phone. The landlord or their representative must attend, as do all named tenants unless one tenant has the authority to sign an agreement on any other tenant's behalf.

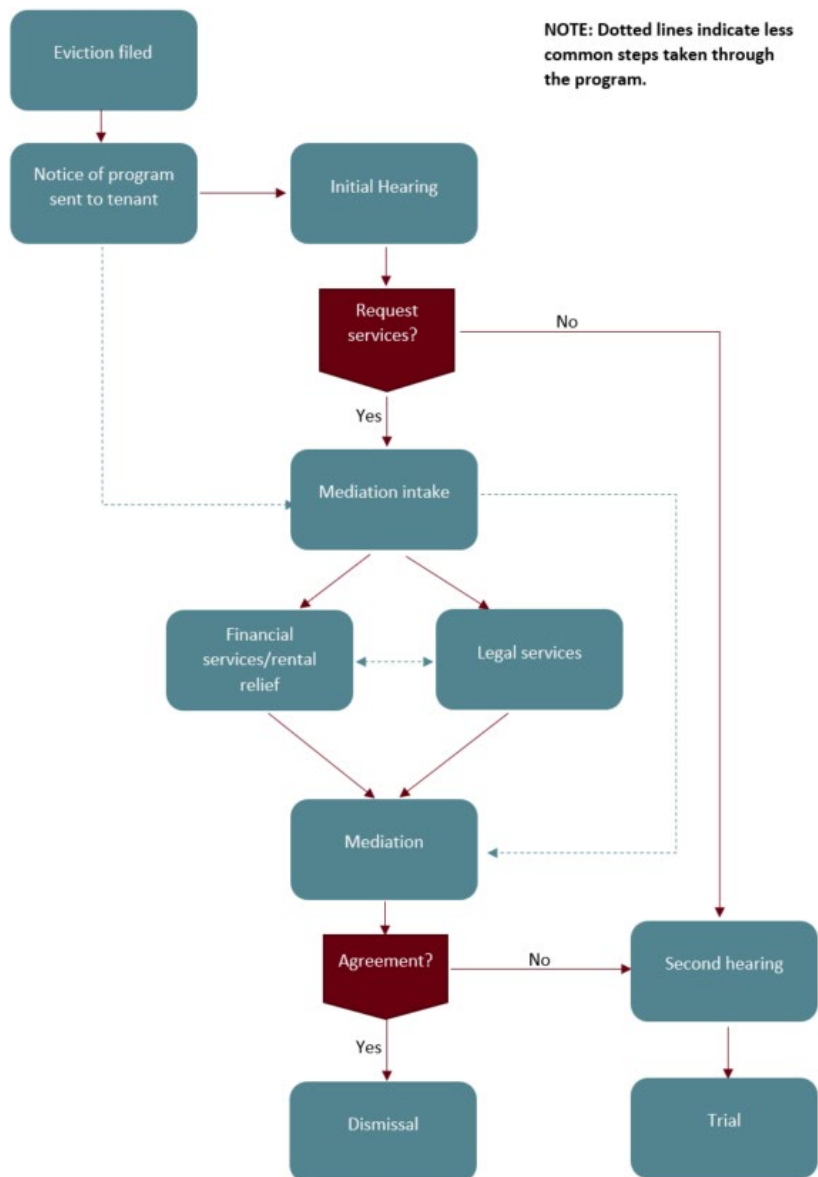
The PC starts the Zoom meeting, then turns off her video and microphone and may listen for any concerns or to monitor a new mediator. The mediator starts in joint session with an explanation of the process and asks the parties to sign a [confidentiality and mediation agreement](#). The mediator initially keeps the parties together, asking the tenant to speak first, followed by the landlord or their attorney. If necessary, the mediator will meet with each party separately, moving to a breakout room to do so.

If the parties reach agreement in the mediation, the mediator ideally writes up the agreement while the parties remain on Zoom. More often, however, the parties come to a verbal agreement and the PC helps the mediators to write up the agreement terms. She then emails the agreement to the parties for their electronic signature via DocuSign. She notes that the sooner she can send the agreement, the more likely they are to sign. When one or both parties

do not sign the agreement, she notifies the judge that an agreement has been reached but has not been signed, which allows the judge to follow up.

The PC debriefs the mediators after the mediation, which she says is usually a chance to go over how to write up the terms of agreement and for the mediators to give her the other paperwork for the mediation, which includes the confidentiality agreement the parties signed and the mediator report for the court. She uploads the signed agreement, if there is one, to the court’s case management system, along with the mediator report. The PC also emails the parties an invitation to complete an online post-mediation survey. Once a week, she submits mediator payment requests to DRI.

EVICTIION MEDIATION PROGRAM PROCESS



CHALLENGES AND KEYS TO SUCCESS

Planning Challenges

During interviews, the RSI AD, the FEC director and the Prairie State managing attorney all indicated that **a main challenge was the uncertainty surrounding the number of cases that would be filed once the moratorium was lifted.** For RSI, this translated into not knowing what level of staffing was needed, and thus not knowing how much funding would be required. RSI originally hired a single full-time program coordinator to run the program, who was supported by the AD. As noted earlier, this was insufficient and RSI sought more funding. The uncertainty regarding case numbers also meant that RSI initially did not have a good grasp on the number of mediators needed. Too few mediators and cases would be delayed as mediations had to be scheduled further out. Too many, and mediators would not get sufficient referrals, eventually losing interest and thus effectively removing themselves from the roster.

For the FEC and Prairie State, the uncertainty regarding the number of cases meant that they did not know whether they could help everyone who required assistance. The FEC originally found it could handle the caseload with its three counselors, who were also helping anyone in the community who wanted to improve their financial health. However, the director noted that the organization was reaching its limit as court filings reached 50 per week. Prairie State had lost one of its two eviction attorneys for the region in August 2021 and at the time the managing attorney was interviewed in October 2021, Prairie State was not able to handle the number of tenants requesting legal services.

Another big challenge noted by the interviewees was not knowing when the moratorium would end. This meant the program and its partners did not know when to ramp up their resources. Too soon, and they would be wasting resources. Too late, and they would not be prepared. For the program itself, if mediators were recruited and trained too soon, the program risked them losing interest and moving on. The FEC was ready to go but spent months waiting for clients. Prairie State needed to know when to develop materials.

Program Process Challenges

The biggest challenge the PC has dealt with is figuring out how to structure party assistance during court hearings. The original program concept was for legal services attorneys, financial counselors and mediators to be available to provide services when parties came for their initial hearing. Each service would have its separate Zoom room and the program coordinator would triage parties into these services. It became clear during the planning phase that the program partners did not have sufficient staff to be present at court hearings. The program design was adjusted accordingly.

The program had a soft launch in April 2021 as staff waited for the eviction moratorium to end. The PC looked for cases that could benefit from mediation and helped those who came to her

door looking for assistance. As the program ramped up, the PC attended court calls via Zoom from her office and spoke to parties in need of assistance remotely. After the courthouse re-opened to the public, some parties started attending their hearing in person. This made remote work from her office untenable and she began attending the calls via Zoom from the jury room next to the court. This allowed her to continue to help parties online while also assisting those who arrived in person.

The PC tweaked the process again once the number of eviction cases rose substantially. She could no longer help everyone who needed help during the calls and instead had to take their contact information so she could call them later. She also was joined for the initial hearings by a Justice Corps Fellow working with the law library. The Fellow keeps tabs on court hearings while the PC helps parties so that she can let the PC know what happened. The PC can then more readily help parties who come to her with questions.

While the Justice Corps Fellow has been a vital partner, the PC noted that it would be more helpful to have the help desk be staffed on initial hearing days because tenants need help filing their answer. To that end, at the time of her interview, she had been attempting to reach out to another organization that connects attorneys who want to volunteer their time to programs needing assistance.

Another big post-launch challenge has been coordinating service provision. The program was designed with the assumption that parties could not be relied upon to contact service providers and therefore the services should come to them. Coordinating that effort, however, has been difficult. As noted earlier, the program design pivoted from one in which all services would be present during the court hearings, each in their own Zoom room to one in which the PC referred tenants to other services. This has worked better with the FEC than Prairie State. The Prairie State attorney in charge of eviction services left just as the program was starting up. Already busy, they have not been able to assist all the parties that need their help. Further, Prairie State routed parties through its centralized hotline. Those who thought they would be able to meet with an attorney often were only able to speak to hotline staff.

Less challenging, but still an issue, has been parties not showing up for mediation. The PC noted there were two main causes of no shows – tenants who had not shown up to their hearing but the judge nonetheless referred them mediation and parties being automatically referred to mediation even if they did not desire it. Both were in large part due to the stand-in judge who heard some eviction cases. That judge requires every case go through mediation. The first cause of no shows was largely resolved when she did not schedule mediation unless she heard back from the absent tenant. The second issue is ongoing. The PC noted that no shows were more common when parties were automatically sent to mediation as compared to when they requested it. The data indicate the same, with a 27% no-show rate in 2021 for the cases sent by the eviction judge compared to 43% for the judge who refers all cases to mediation.



Program Challenges	Keys to Success
<ul style="list-style-type: none"> • Uncertainty of funding, timing, filing numbers • Changing court processes after launch • Service provision coordination • Managing party attendance 	<ul style="list-style-type: none"> • Court interest in project • Judge support • Landlord/landlord attorney buy-in • Good communication among involved organizations • Good administration

Keys to Program Success

RSI’s AD noted that the court’s great interest in developing the program was essential to the quick timeline from first contacting RSI to launching the program. The eviction judge, the chief judge and the court administrator were all eager for the program. This helped to push through the court rule and the creation of court forms needed for the program. The Administrative Office of the Illinois Courts also quickly approved the court rule, giving provisional approval that allowed the program to move forward, rather than having the rule go through its normal approval process.

RSI’s AD, the PC and Prairie State’s managing attorney joined the eviction judge’s assessment that his support was essential to the success of the program. The judge noted that if a judge does not support the program, they will not actively educate the parties about it or encourage the parties’ participation.

The eviction judge, the director of the FEC and the managing attorney at Prairie State all agreed that RSI, and in particular the PC, were intrinsic to the success of the program. The Prairie State managing attorney pointed to RSI’s capacity to organize the planning process. The judge and the director of the FEC noted that the PC’s organizational abilities promoted the efficiency and effectiveness of the program post-launch.

All interviewees involved in the planning process said that communication among program partners and other interested parties was essential to both the program planning process and their own plans to ramp up services. “Interested party” meetings were held every other week during the planning phase, which provided a forum for those involved to learn from each other. The FEC was helping those impacted by the pandemic and had a good idea of how many people were unable to pay their rent. This helped the court, RSI and Prairie State determine what resources would be needed when the moratorium ended. These meetings also helped the director of the FEC to understand how Prairie State could assist their clients, which led him to refer some FEC clients to Prairie State. Prairie State’s managing attorney also noted that the judge was able to provide insight into how the court was interpreting the moratorium during hearings and how many cases were being filed.

Buy-in from the landlord's side has also been part of the success of the program, according to multiple interviewees. This has been made easier, they noted, by access to rental relief. With these funds available, the program is more readily seen by landlords and their attorneys as providing them a benefit. The availability of rental relief also provides a basis for tenants and landlords to agree in mediation on terms such as whether the tenant will stay or move out.

LESSONS LEARNED

Flexibility is required, particularly when confronting uncertainty

The program was planned while three main factors affecting that planning were very uncertain: the number of cases that would be filed, what level of funding would be available and when the predicted surge in cases would begin. These circumstances required the program partners to remain flexible during the planning phase in terms of when to ramp up their services and it required RSI to react to the changing landscape of cases after the program launched. The ability to change procedures and to increase capacity have been essential to the continued provision of mediation to all parties interested in participating.

Communication among the program partners is essential

During both the planning phase and after program launch, continued communication allowed program partners to plan and to set up efficient mechanisms for referrals. It essentially helped them to be flexible. It also served as a point of exchange of information regarding other types of services available to tenants and landlords, which helped program partners open more doors for their clients.

Judicial support is key

The program can only function if the judges support it both by educating the parties about the resources available to them and by either strongly encouraging or requiring the parties to attend mediation. When tenants and landlords are educated about the benefits of mediation, they are more likely to want to participate.

Good program administration is important

The program coordinator's skillful management of the program has been a key to the program's success. Her organizational skills and development of efficient processes have made the program run smoothly.

Landlord and/or landlord attorney buy-in is required

It is important to get the perspective of the landlords during the planning phase and to address their concerns. If the landlords and/or their attorneys do not see the value of mediation to them, they will not participate or, if ordered to, will not participate fully.

Provision of services is time-intensive

The program was originally designed with the PC conducting an intake with each party who came to her during the court hearings, letting them know about the services available and making referrals on the spot. This became untenable when the number of cases per hearing date rose to 40 or 50 and RSI found that information exchange with parties took longer than expected. To provide this kind of service would require more than one or two people. The PC, therefore, shifted to obtaining contact information from each interested party and then following up after court.

RSI's program partners had similar challenges keeping up with demand. According to the director of the FEC, the FEC's three counselors would not be able to assist all tenants who required help if the number of cases surged too high. Prairie State did not have the staff required to help all eligible tenants seeking their services. All of this suggests that to provide the optimal level of service for all those who need it requires significant resources.

It is best to schedule mediations when both parties are present

The PC found that scheduling mediation when both parties are present – whether virtually or in-person – is more time efficient and results in fewer no shows than attempting to schedule the mediation via email or phone. She also noted that when the judge ordered the parties to contact her to schedule a mediation, they often waited weeks to do so or never contacted her.

Eviction mediations involving rental relief are generally short

At program launch, mediations were scheduled for two hours, the amount of time mediations generally take for other case types. The PC has since adjusted that downward to one and a half hours. In her interview she noted that many mediations are completed within 30 minutes.

CONCLUSION

The mediation program has used a very hands-on approach to provide services to tenants and landlords. Those interviewed indicated that the keys to making this approach successful are flexibility, good communication among all involved entities, the eviction judge's support and access to rental relief and other resources.

APPENDIX A: DATA NEEDED FOR EVALUATION

Information Needed	Source of Information
Case Information	
Case number	Case file
Case type: HOA, Rent, Other	Case file
Judge	Case file
Mediator	Case management form
Household Information	
Zip Code of residence in question	Case file/tenant intake form
Tenant household Size: Number of people over 18	Tenant intake form
Tenant household size: number of people under 18	Tenant intake form
Tenant demographics: race/ethnicity, age, gender, education, income	Tenant intake form
Service Referrals	
Rental assistance	Case management form
Financial/housing counseling	Case management form
Legal services	Case management form
Mediation Outcomes	
Agreement: Full, partial, none	Mediator report
Pay and stay (eviction avoided)	Mediator report
Move out date negotiated	Mediator report
Rental assistance accessed	Mediator report
Rental assistance amount	Mediator report
Security deposit returned	Mediator report
Amount of security deposit	Mediator report
Repairs made	Mediator report