



RSI

Participant Experience in Eviction Mediation

SUMMARY OF EARLY SURVEY RESPONSES IN THE 16TH
JUDICIAL CIRCUIT OF ILLINOIS' VIDEO MEDIATION PROGRAM

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Jennifer Shack, Director of Research
RESOLUTION SYSTEMS INSTITUTE | ABOUTRSI.ORG



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CONTACT RSI

11 East Adams St., Suite 500
Chicago, IL 60603
312 922 6475
info@aboutrsi.org
AboutRSI.org

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BACKGROUND

In 2021, the Kane County court launched a video mediation program for eviction cases. In this program, which is administered by Resolution Systems Institute (RSI), parties are informed of the program when they receive their summons and are invited to participate in mediation when they arrive for their initial hearing, which they could attend either by Zoom or in person. If they decide to participate, they meet with the program coordinator, who informs them of their options, including meeting with a financial counselor and/or a legal services representative. If the tenant decides to participate in mediation, the coordinator schedules the mediation on a date prior to the next hearing. Either the landlord or their attorney is required to participate if the tenant decides to do so. The mediation is conducted on Zoom by roster mediators paid through grant funds and takes place via Zoom. Between June 2021 and early January 2022, the program mediated 81 disputes.

After each mediation, parties and attorneys are invited by email to complete a survey online about their experience. The following summarizes the survey responses from June 2021 through early January 2022, focusing on the most salient questions in the survey. From the first 81 cases, 29 participants responded. While this is a small sample size from which to draw definitive conclusions, their responses indicate the program is offering participants a positive experience in mediation.

Generally speaking, parties and attorneys thought they were able to express themselves in mediation, thought the process was fair and were satisfied with the process. When commenting about what they liked about the mediation, they most often said something positive about the mediator. A few also commented on the convenience of the process.

Survey participants mentioned few issues. Two tenants did not like having to mediate with an attorney (or two in one case) when they were self-represented. An attorney thought the process should be shortened. Another thought the mediator should focus on a move out date before discussing the amount owed.

The program appears to be working well for the participants. Survey responses indicate that mediation is providing a fair and satisfying experience to both parties and attorneys.

Response numbers:

Tenants completed surveys for 7.4% of the cases mediated. The response rate for landlords and attorneys could not be precisely calculated; the landlord did not have to participate in mediation if their attorney did, and not all parties had attorneys. Therefore, landlords did not

attend some mediations, and there were no attorneys in others. However, if we were to assume that attorneys attended all mediations, landlord/homeowner association attorneys responded for at least 22.2% of the mediations and landlords responded for at least 2.5% of the mediations.

Total number of cases mediated: 81

Total responses: 28

- Tenant: 6
- Landlord: 2
- Landlord Attorney: 16
- Tenant Attorney: 1
- HOA Attorneys: 2
- Unknown Attorney: 1

Attorney Representation

- 50% of responding tenants were self-represented
- Neither responding landlord was self-represented

Mediation Outcome

86% of attorneys who responded to the survey reported an agreement was reached
67% of tenants who responded to the survey reported an agreement was reached
Both landlords who responded to the survey reported an agreement was reached

Mode of Participation in Mediation

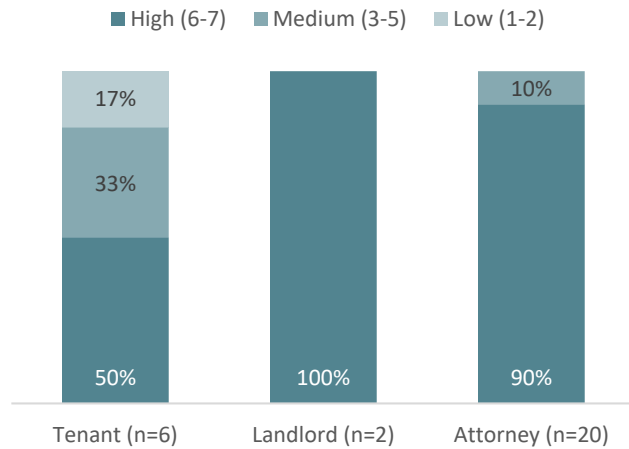
- 82% of parties participated via video; 18% called in by phone
 - Of those who participated via video, 55% used their mobile phone; 45% used their computer
- 86% of attorneys participated via video; one called in by phone and one participated in person
 - Of those who participated via video, 83% used their computer; one used their mobile phone and one used a tablet

PARTICIPANT EXPERIENCE

Voice

When asked whether they were able to express what was important to them, 27 of the 28 individuals who responded to the question indicated that they were at least somewhat able to. Fewer tenants than others highly rated their ability to express themselves, with 50% giving a rating of 6 or 7. In comparison, 90% of the attorneys and both of the landlords who responded rated highly their ability to express what was important to them.

Were you able to express what was important to you? (Rating scale 1-7)



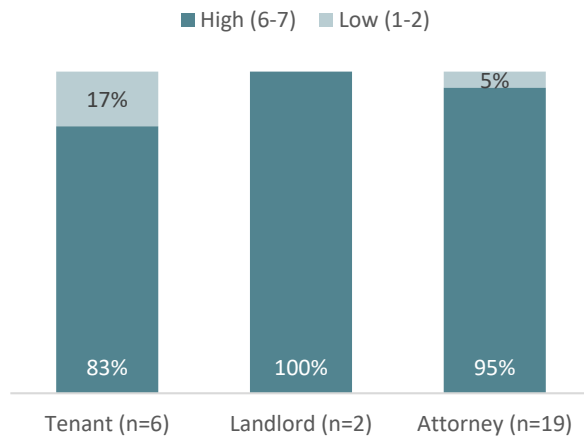
Fairness of the Process

Survey participants were asked to rate the fairness of the mediation process and to explain their response. 93% of the 27 respondents who answered the question rated the fairness of the mediation process highly. Only two gave the mediation process a low fairness rating. None gave neutral ratings.

Tenant comments:

- Since this was my first time going through this, but my experience was fair and helpful. I was really pleased with the county clerks office as well the mediator.
- Both sides were able to express their opinions or concerns. Whenever overtalking occurred, the mediator was able to redirect and have one of the parties put their microphone on mute while the other party spoke. Overall I thought it was a fair process
- I left with some peace in mind
- We made a great deal

Overall, was the mediation process fair? (Rating scale 1-7)



Landlord comments:

- Definitely wanted the renter out, but with the mediators assistance we had a change of mind

Representative attorney comments:

- Mediator was excellent!
- The mediation was fair. One party did not appear interested in mediation at all but only wanted his side heard. They were unwilling to move from their position, even though their position was not clear. This could be from the fact the party was unrepresented and not aware of what the eviction court has the authority to do.
- The mediator listened to both sides and gave everyone the opportunity to speak and discuss the issues related to the case. In the end an agreement was reached.
- Mediator did a good job of reality testing with a difficult tenant.
- Both sides were heard and the Mediator ensured that an agreement was reached that benefited both sides.

Satisfaction

Survey participants were asked how likely they were to recommend eviction mediation to a friend or colleague and to explain their response. Overall, 89% said they were at least somewhat likely to recommend eviction mediation, with 75% indicating they were highly likely to do so.

Tenant comments:

- It's an overall helpful situation to be in , because we all know court time cost money.
- Its good to have a third person mediate so both parties could have a chance at coming to a possible agreement. Also it keeps things in order

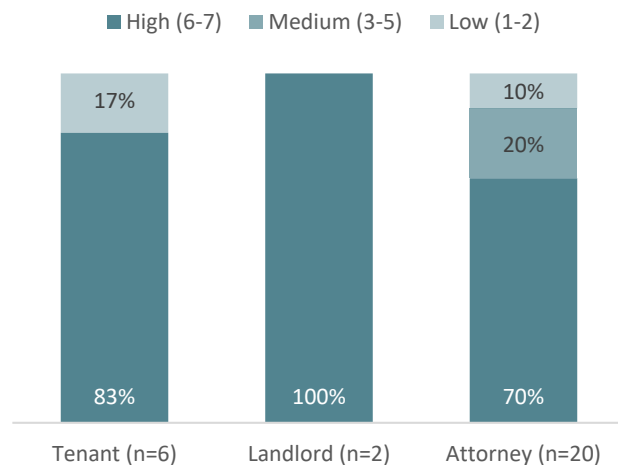
Landlord comments:

- Worked on all our behalfs

Attorney comments:

- This answer [3 on 1-7 scale] is more reflective of the actual circumstances in this case wherein one side had no interest in negotiating. Even when he said he wanted a certain period of time to move and we

If a friend/colleague had a case like yours, how likely are you to recommend eviction mediation? (Rating scale 1-7)





agreed to that, the goal kept moving and went back to I will move when the judge says I have to move.

- Mediation is inefficient and wastes time when an attorney is involved unless the mediator can push the tenant to a reasonable position.

What Was Liked About Eviction Mediation

Tenants and landlords were asked what they liked about mediation. Attorneys were asked what they thought made the mediation effective.

Tenant comments:

- First I liked the thought of the zoom call conference it made me just a little more comfortable. I would recommend.
- She was very Respectful
- The mediator brought up all of my concerns that I had forwarded. He also made sure that I understood everything that we discussed as far as the possible outcomes since we had not come to an agreement.
- I'm glad I don't have to move out

Landlord comments:

- I was adamant that this was a stall tactic by the renter but now see he genuinely wants to pay and do the right thing

Attorney comments:

- The mediator was friendly and spoke in neutral terms. The setting was convenient and communication with the program was easy. The mediator made the process easy to understand once we arrived.
- Helps focus the parties' attention and get cases resolved.
- The mediator attempted to get both sides to see that a court resolution would favor one side or the other.
- The mediator was very respectful and attempted to get the parties themselves to discuss what they were looking for. Fortunately the landlord was very accommodating so the mediation was successful.
- The owner was not disputing any of the \$ amounts due and owing, just wanted to work out a way to pay. This made getting to an agreement much easier. Mediator also did not impede what was happening - I have had other mediators step in and give their own opinion or push an owner to not agree to things, but this mediator only stepped in to clarify and make sure we both understood each other. That was extremely nice and made the process easy.
- I think the mediator tried very hard!

What Was Not Liked About Eviction Mediation

Tenants and landlords were asked what they didn't like about the mediation. Attorneys were asked what could have been improved about the mediation.

Tenant comments:

- Only part to dislike is going up against a trained lawyer.
- Nothing
- I felt outnumbered because the Landlord not only had one lawyer present. Halfway through mediation, another lawyer joined. I felt as if I NEEDED legal representation for myself. I think that all parties should have been there in the beginning when mediation first started.

Landlord comments:

- Put on the spot to figure out the dollar amount owed with attorneys fees.

Attorney comments:

- No explanation of the mediation process prior to mediation. Opposing counsel unwilling to negotiate. Mediator could have pushed an agreement more, we were unable to come to a resolution.
- Mediation was fine, but cases should only be continued a max of three weeks to complete mediation. If no settlement, case should speed to judgment
- The mediator spent a lot of time on the money owed, but in this environment, the landlords often just want possession of the property back as most monetary agreements are aspirational since you are relying on a tenant to pay voluntarily and landlords have waited over a year to remove some tenants. In my experiences if you can get a possession date first, the money is more likely to be negotiable by the landlord.
- I think it would be better for the mediator to start out with what the landlord's claim is rather than open with the tenant.

CONCLUSION

The sample size was too small to draw definitive conclusions about how participants in general viewed their experience with mediation. However, survey respondents who viewed mediation favorably far outweighed those who viewed it unfavorably, suggesting that the program is likely providing a positive experience overall. Of note is that both tenants and landlord attorneys who responded to the survey found value in mediation. Their comments indicate that much of this value is derived from the mediators' behaviors and skill.