

COMPARISON OF CLIENT SATISFACTION
WITH MEDIATED AND ADVERSARIAL DIVORCE

by

Linda S. Leibel
B. Ed. University of Victoria, 1986

A Thesis submitted in partial fulfillment
of the requirements for the degree of


MASTER OF ARTS

in the Faculty of Education

We accept this thesis as conforming
to the required standard


Dr. Geoffrey Hett


Dr. Honore France


Dr. Arthur Olson


Dr. Bill Zuk

© LINDA S. LEIBEL, 1989

University of Victoria

All rights reserved. This thesis may not be reproduced
in whole or in part, by mimeograph or other means,
without the permission of the author.

ACCEPTED

FACULTY OF GRADUATE STUDIES

DEAN

Sept 21, 1989

TE

ABSTRACT

Using the Client Assessment of Mediation (Divorce) Services and the Profile of Mood States data was collected from two groups of clients, a mediation group and an adversarial group, to determine differences in satisfaction with the separation process. Significant differences were found in satisfaction with custody/visitation, $F(1,44) = 5.98, p < .01$; satisfaction with the mediator/lawyer and the process, $F(1,44) = 18.79, p < .001$; and willingness to recommend the process, $F(1,44) = 48.73, p < .001$. Lower levels of psychological stress were found on measures of tension/anxiety, $F(1,44) = 6.56, p < .01$; depression/dejection, $F(1,44) = 9.12, p < .004$; anger/hostility, $F(1,44) = 5.30, p < .02$; and confusion/bewilderment $F(1,44) = 5.16, p < .02$. Without exception the higher levels of satisfaction and the lower levels of stress were found in the mediation group. Although there were some variables that did not result in significant differences between groups, on no measure were adversarial clients more satisfied or less stressed than their mediation counterparts. The results of this study support previous research that suggests mediation clients are more satisfied with the mediation process and offers new data concerning differences in stress levels between the two groups.

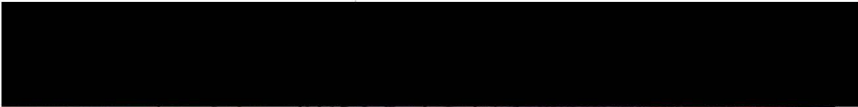
Examiner:



Dr. Geoffrey Hett



Dr. Honoré France



Dr. Arthur Olson



Dr. Bill Zuk

Table of Contents

	Page
Abstract.....	ii
Table of Contents	iv
List of Tables	vi
List of Appendices	viii
Acknowledgements	ix
Dedication	x
 Chapter	
1 Introduction	1
Definition of Terms	13
2 Literature Review	14
Adversarial Divorce	14
Custody and Access Studies	17
Comprehensive Mediated Divorce	27
Summary of the Literature Reviewed	33
Statement of Research Questions.....	37
3 Method	38
Subjects.....	38
Instrumentation.....	43
Client Assessment of Mediation Services.....	43
Profile of Mood States.....	44

	Procedure.....	46
4	Results	47
	Analysis of the Two Major Groups.....	47
	Analysis of Subgroups	51
	Summary of Results.....	68
5	Discussion.....	75
	Satisfaction With the Process.....	76
	Willingness to Recommend	78
	Custody and Visitation.....	79
	Psychological Stress	80
	Limitaions	81
	Implications	83
	Conclusions	85
	References	86
	Appendices	90

List of Tables

Table	
1	Demographic Characteristics 40
2	Decision To Leave the Marriage 41
3	Decision To Mediate 41
4	Summary of Major Reasons To Leave The Marriage 42
5	Analysis of Variance Comparing Willingness To Recommend by Group..... 48
6	Analysis of Variance Comparing Satisfaction With Custody/Visitation by Group 49
7	Analysis of Variance Comparing Satisfaction With The Process by Group 50
8	Analysis of Variance Comparing Tension/Anxiety by Group 52
9	Analysis of Variance Comparing Depression/Dejection by Group 53
10	Analysis of Variance Comparing Anger/Hostility by Group 54
11	Analysis of Variance Comparing Confusion/Bewilderment by Group..... 55
12	Analysis of Variance Comparing Willingness To Recommend by Subgroup 57
13	T Test For Subgroup Significances With Willingness To Recommend 58
14	Analysis of VAriance Comapring Satisfaction With Custody/Visitation by Subgroup 59
15	T Test For Subgroup Significances With Satisfaction With Custody 60
16	Analysis of Variance Comapring Satisfaction With The

Process by Subgroup	61
17 T Test For Subgroup Significances With Satisfaction With The Process	63
18 Analysis of Variance Comapring Depression/Dejection by Subgroup	64
19 T Test For Subgroup Significances With Depression/ Dejection	65
20 Analysis of Variance Comparing Anger/Hostility by Subgroup	66
21 T Test For Subgroup Significances With Anger/ Hostility	67
22 Analysis of Variance Comapring Confusion/Bewilderment by Subgroup	69
23 T Test For Subgroup Significances With Confusion/ Bewilderment	70
25 Summary of Significant Differences Between Groups	72
26 Summary of Significant Differences Between Subgroups	73

List of Appendices

Appendix	Page
A Letter of Information	90
B Client Information Form	92
C Separation Questionnaire (CAMS)	95
D Profile of Mood States Questionnaire	108
E Client Assessment of Mediation Services Subscale Groupings	110
F Profile of Mood States Subscale Groupings	112
G Results of the Separation Process	114

Acknowledgements

I wish to express my gratitude to Dr. Geoffrey Hett, my supervisor, for the faith, encouragement and patience that he extended to me during the writing of this thesis. I extend my appreciation to Dr. Honore France for his counsel, understanding and expression of confidence on my behalf. I appreciate both the time and support given by Dr. Arthur Olson.

I would like to acknowledge the people who took the time to participate in this study as subjects, sharing issues that were both personal and sensitive.

I would like to express a sincere thank you to the mediation lawyers, Mr. Doug Chalke and Ms. Joyce Bradley of Vancouver and Mr. Robert Klassen, Mr. Jerry McHale and Mr. Chris Kehler of Victoria, who despite their very busy schedules took the time to talk with me and provide me with an avenue to the subjects I needed. Without them this study would not have been possible.

Finally, I am grateful to family and friends who believed in me, encouraged me and stood by me, sharing both tribulations and triumph.

Dedicated to those people
in my life who have believed in me,
even when I doubted myself.

CHAPTER 1

Introduction

"Till death do us part", though this phrase is still included in the traditional wedding ceremony almost fifty percent of marriages today do not last until death, only until divorce. Additionally out of the seventy-five percent of divorcees who remarry, fifty percent of them will be divorced again within two to four years (Statistics Canada, 1986). Further it is projected that one-third of all children born in the 1970's will experience a parental divorce by the age of 18 (Emery, 1987). Supporting this projection is a report by the U.S.Census Bureau which recorded a 79% increase in single parent families between 1970 and 1980 (Emery,1982).

These facts have a tremendous impact upon both the children and the adults of our society. Courts are jammed and there is often a large backlog of divorce cases waiting to proceed through the legal system. Literature indicates that over half the cases filed in all trial courts are divorce related (Pearson, 1984). Costs of lengthy divorces are exorbitant, delays are frequent, families are traumatized and participants are subjected to dehumanizing processes over which they have little or no control. As a result spouses secure gladiators to represent them in the legal arena, little realizing that they are victims of a "no win war". In 1979 the incidence of parents kidnapping their own children in the United States rose to over 100,000 cases per year (Korelitz, 1982). These parents were victims of "the

system" and were reacting in anger and fear to imposed decisions in which they had no control.

In the past decade it has become increasingly more apparent that divorce occurs on an emotional, psychological level as well as on a legal and economic level and that resolution must include attention to all these areas. There is a growing recognition that courts cannot deal with all aspects of divorce, that a court battle may not be the best way or the only way of resolving the conflicts involved with divorce.

In the early 1970's, Coogler first presented the idea of mediation for separation and divorce (Grebe, 1986). Since that introduction the idea of mediation for divorce resolution has grown and both private and public mediation options have been developed and are available as an alternative to the traditional adversarial approach.

The first conciliation court in Canada was established in 1974 in Edmonton Alberta. Since then Ontario has established a Unified Family Court with jurisdiction over all family law matters. British Columbia has engaged Family Court Counsellors to mediate custody and access issues. Winnipeg has provided for mandatory court referral mediation (the only one in Canada) and Quebec is the first public mediation service to provide global mediation rather than focusing solely on custody and access as do most Canadian mediation services (Devlin, 1986). Mediation in Canada has tended to develop within the existing legal system rather than as a reaction against it, though there are private mediators outside the legal area.

In 1986, the federal government introduced the Divorce and Corollary Relief Act (Bill C-47) which states, it is the duty of every barrister, solicitor,

lawyer or advocate to discuss with the spouse the advisability of negotiating and to inform them of the services available (Devlin, 1986). In order to act as a family law mediator in B.C. a lawyer must have been engaged in a full time law practice for at least three years and have completed a training program approved of by the Law Society. In British Columbia mediation training courses are available at the Justice Institute in Vancouver, however, the majority of lawyers in B.C. are not trained in this area and mediated divorce cases are still in the minority.

At this point mediation is still in its infancy in Canada and is not a well-known alternative for couples anticipating divorce. It is better known in the States where private mediation centers such as the Northern California Mediation Center have been established. Within this country few people are aware of the different sources of mediation or the diversity of services provided. The public system, which is free, is usually affiliated with the courts and deals only with child custody and access. Private mediation, which is available through some lawyers and health field workers, can include property settlements and alimony as well as custody, access and child support.

A major difference between mediation and the adversarial approach is the way the adversarial system is established. Law schools traditionally immerse students in the adversary methods rather than in the skills of resolving conflict. Very few law schools emphasize arbitration, mediation or conciliation and even fewer focus on training in these skills (Burger, 1982). The code of ethics by which a lawyer functions stresses concern for one party only, the lawyers job is to advocate the best position possible for his

individual client and he is negligent if he does not remain single minded in his battle.

A lawyer, by necessity, ends up championing the cause of his particular client without regard for the family as a unit and often escalates a competitive struggle, where the only resolution possible includes a "winner and a loser", with the children often being the "prize". Adversarial divorce is a process which fosters fear, guilt, resentment and anger. It also fosters dependency, with each spouse delegating the responsibility for the settlement to their respective attorney thereby forfeiting control and the opportunity to develop resolution skills. Lawyers are natural competitors and are encouraged every step of the way to use whatever tactics are available to "win" (Burger, 1982). Individuals depend upon the competency and skill of their lawyers who may or may not be matched in their negotiation skills.

Too often in the past divorce has been about winning and losing, revenge and punishment and the results were often an attempt to use the divorce proceedings as a way to redress every imbalance or injustice of the marriage. Though no-fault laws have simplified the divorce process today, they have also inadvertently complicated child-custody issues. Historically, custody of children was automatically given to the father as they were held to be part of his property. During the 19th century the "tender years" doctrine was adopted which supported the presumption that young children should remain in the custody of their mother. Presently "the best interest" standard has emerged leaving the judiciary with no strong guidelines for determining custody. Most custody cases today concentrate on publicly

proving the other parent to be "bad" or inadequate. The results of these litigations have been client dissatisfaction, frequency in post-divorce relitigation and high levels of non-compliance with visitation, child support and alimony payments (Hochberg, 1983). Often a compromise is seen as a loss, with clients feeling a strong need to protect themselves from their former mate, as much in fear of losing as in a desire to win.

The focus on accusation and defense, power and control reduces the ability of parents to work cooperatively in coparenting situations after the marriage has been dissolved. Anger, resentment, feelings of depression and a sense of failure are common emotions that keep a couple psychologically entangled leaving them unable to adapt to the changes in their lives and making it difficult to move on and restructure a new life. In an attempt to diminish personal anguish and family conflict it is not unusual for the non-custodial parent to sever the relationship with the rest of the family. Though terminating the contact resolves the immediate conflict it creates other problems. The custodial parent experiences a loss of needed support, often both financial and psychological. In 1982 it was reported that as many as one third of maintenance orders were in arrears (Parkinson, 1983). Consequently, society often becomes responsible for providing financial aid, emotional support and psychological interventions, resulting in an overburdened welfare system and community agencies that cannot possibly meet the evergrowing needs. The departing parent experiences a loss of the relationship with the children, guilt, anger, resentment and frustration.

For children divorce often results in parental deprivation whether the non-custodial parent maintains contact or not. The disruption of

primary attachment bonds leads to children losing needed role-models, parental support and often results in alterations or inconsistency in discipline practices. Studies indicate that divorced parents make fewer maturity demands, have poorer communication, are less affectionate and more inconsistent with their children (Emery, 1982). Emotional consequences of divorce, for children, include anger, depression, anxiety, withdrawal (Hess, 1979) and sometimes guilt. Stress related symptoms such as stomach aches, headaches, sleep disturbances and bed-wetting, delinquency, anti-social behavior, aggression or clinging behaviors, extended use of psychiatric services and appreciable differences in intellectual and sex-role functioning are some of the effects reported for these children (Kulka, 1979; Parkinson, 1983). Emotional and social development can be affected and trust in future relationships may suffer. A study by Hess (1979) suggests that the negative effects of divorce on children were diminished when a positive relationship with both parents was maintained and that the relationship with the father, who is usually the noncustodial parent, was as important as that of the relationship with the mother. Another study by Emery (1982) suggests that separation effects may be time limited but that interparental conflict is a mitigating factor in childrens postdivorce adjustment. Experiencing a divorce in childhood is also shown to have some significance for the psychological well-being of these children upon reaching adulthood, especially for men. As adults, children from broken homes report childhood as being the most unhappy time of their life, are more likely to have felt an impending nervous breakdown, report higher symptoms of poor health (assumed to be due to

higher levels of stress), have higher psychological anxiety, and are more likely to experience a divorce in their own marriage (Kulka, 1979).

Parental adjustment to divorce is believed to be the key element (Wallerstein & Kelly, 1980) for the emotional and developmental growth of the child and has a high relationship to the level of trauma the child will undergo as a consequence of a family breakdown. A major source of children's psychological distress is associated with continued interpersonal conflict following a divorce (Ahrons, 1981) which often places a child in a position of divided loyalties. Jacobs (1986) states that "children of divorcing parents are overrepresented in psychiatric clinics...the psychiatric literature indicates that the most emotionally pernicious aspects of divorce for children are related to the poor quality of the relationship between spouses before and after divorce and to interruptions in the nurturing functions of the parents". An increase of stress and conflict for parents cannot help but affect all members of the family. Though courts make dispassionate judgements, divorce is not a dispassionate experience.

Since many of the underlying issues in a divorce settlement are emotional in nature and lawyers are poorly trained in dealing with interpersonal or psychological matters, they are ill equipped to deal constructively with these problems and may exacerbate the conflict. Such common advice as "don't talk to your spouse" and "don't worry about being fair" can only create greater and fiercer controversies.

The focus of the adversarial system is "act-oriented" rather than "person-oriented" and focuses on past events and behaviors rather than on future adjustments and cooperation. Once a judgement is given it is

assumed that the matter is finished and that the conflict will end. Little consideration is given to the fact that as many as 85% of divorced spouses with children report some kind of continuing direct contact with each other after the divorce (Ahrons, 1981). The judgement itself runs the risk of setting off new conflicts, the bitterness of the "loser" and the triumph or pretentiousness of the "winner" may negate the chances of coparenting or developing a workable postdivorce relationship and can contribute to a vicious circle of recurrent litigation. Ahrons (1981) reports that 48% of the couples interviewed, in a study examining continuing coparental relationships, planned to return to court for further litigation. A study by Bahr in 1981 comparing relitigation levels between mediation couples and adversarial couples showed significant differences. Ten percent of the mediation couples as compared to 26-34% of the nonmediation couples returned to court (Koch & Lowery, 1984).

Chief Justice Warren Burger (1982) stated:

The obligation of our profession is...to serve as healers of human conflict. Many thoughtful people...question whether that is being done today. ...Although it may be too much to say that we as lawyers are becoming part of the problem instead of the means to a solution, I confess there is more to support our critics than I would have thought 15 or 20 years ago. Even when an acceptable result is finally achieved...the result is often drained of much of its value because of the time lapse, the expense, and the emotional stress inescapable in the litigation process.

Judge Learned Hand commented: "I must say that, as a litigant, I should dread a lawsuit beyond almost anything else short of sickness and of death"(Burger, 1982).

These are the comments of men well versed in the adversarial system who are comfortable within the court environment. If these are the feelings of those familiar with such matters how much worse must it be for those, who are under psychological, emotional duress, who are suddenly not only functioning without the support of their mate but battling the very person who was once closest to them, and are facing, perhaps for the first time, a frightening, confusing, impersonal legal system.

In contrast to the adversarial method, mediation does not assume that husband and wife have conflicting interests. As with system theory in family therapy, mediation sees "the family" as the client and promotes cooperation and a resolution that considers the best interest of all family members rather than representing any one member in opposition to another. The goal of mediation is to develop an equitable, mutually acceptable settlement, leading to a viable post divorce relationship which will allow the parents to relate cooperatively around parenting issues as well as fostering a positive divorce adjustment to lessen the traumatic effects of marital dissolution felt by parents and children. As well as providing a supportive, nonjudgemental environment to express needs and feelings, encouraging communication and problem solving, developing multiple options and creative solutions, clarifying goals and needs, and evaluating the consequences of possible alternatives, mediators also acts as educators, explaining the stages of divorce and grieving and alerting the

parents to the needs of the children. They function as resource persons providing information about community agencies that may help the familys' adjustment to the divorce. Mediation strives to enhance the parents' understanding of their own emotions, to educate parents concerning the effects of divorce on children and to make parents aware of the need for children to have an ongoing, constructive relationship with both parents. As a neutral facilitator, a mediator, attempts to manage conflict, maintain the power balance and control the process but not the content. Additionally it is more difficult for individuals to shift the responsibility for the loss of the relationship to the other party when the structure includes both spouses face to face and an impartial facilitator thus decreasing the potential for for one-sided blaming which can lead to an escalation of conflict. The difference between doing things "to" the family and doing things "with" the family allows parents to be more constructive about the future.

Mediation attempts to develop communication and negotiation skills, promotes collaborative conflict resolution, provides clarifications and insight, encourages a redefining of relationships and family reorganization and works to reduce the intensity of the divorce experience so coparenting is feasible once the marriage is dissolved. Mediators encourage couples to listen actively to each others concerns and fears, to show respect for one another and promote cooperation rather than confrontation. Recognition is given to the importance of each party feeling that their position is heard and understood. The process contributes to a couple feeling that they have arrived at their own settlement rather than having a settlement imposed by

a higher authority. Self-determination contributes to a sense of ownership and dignity and strengthens the inclination to abide by terms that they have been involved in developing. Mediation works for a resolution of both legal and psychological issues, attempting to humanize the divorce process.

As an adjunct to promoting cooperative separation and divorce agreements, Parkinson (1983) reports that the increased communication abilities of both spouses developed through mediation has resulted in a change of direction from separation to reconciliation in approximately one in six cases. This is entirely contrary to adversarial methods which can result in increased hostilities and bitterness.

It must be recognized however that mediation is not suitable for all couples. In cases where one party is afraid to let go of the relationship, conflict is a means of maintaining the attachment. A strong desire for revenge or retribution, a struggle to maintain power or control over the other or a sense of fear or powerlessness inhibit the ability to mediate successfully. Emotional readiness is a major key in mediation. Also not amenable to mediation are situations that involve abuse or violence. Three dimensions which influence both divorce and mediation are a) the degree of ambivalence toward divorce, b) the frequency and openness of communication and c) the level and overtness of conflict (Johnson, 1984). Mediation works best for those who have the incentive to work things out in the best interest of all involved. Often the desire to continue to coparent after the separation provides just such an incentive.

Nor is mediation a panacea or a substitute for the legal system but ideally operates in conjunction with that system to develop a family justice

forum that fosters cooperation rather than confrontation. Mediation agreements are drafted by the clients and the mediator but then need to be reviewed by the clients' private attorneys to ensure that all legal issues have been considered. An option is the team approach where a lawyer and a counsellor work together, the lawyer to ensure the couple understand their rights and legal options and the counsellor to explore and clarify needs, feelings, goals and motives.

To date, although there has been much interest in divorce mediation, there is little empirical research on the subject. The literature concentrates on historical development, methods and techniques, differences between private and public services and professional issues such as qualifications and the development of a code of ethics for mediators. Most studies have been limited to mediation of custody and access. Some economic and relitigation information has been published but little has been done in the area of client satisfaction. The purpose of this study is to survey and compare the satisfaction of clients using the mediation method with the satisfaction of clients using the adversarial method.

Definition of Terms

For the purposes of this study the definitions given by the Justice Institute of British Columbia for mediation, conflict resolution, arbitration, negotiation and conciliation will be used. The definition for mediation is when a neutral party provides a safe environment and process for two or more parties to resolve a dispute. Conflict resolution is defined as a breaking down of a disagreement into its parts, analyzing it and arriving at a solution. Mediation differs from arbitration which is when a third party makes a decision which is binding on the disputing parties. Mediation also differs from negotiation which is when two or more parties resolve their own dispute without assistance. Conciliation is when a third party acts as a go-between (the parties do not meet face to face) for the two parties in order to re-establish a relationship and/ or arrive at a resolution to the problem. The adversarial process is defined as the process that involves two or more parties, each with their own lawyer who works only in the interest of his or her own client. Adjudication is when a judge makes a binding decision for two or more parties who cannot come to an agreement for themselves. Litigation will be defined as being involved in a law suit, in the case of this study the suit will involve divorce, visitation, alimony, property settlements, child support, access or custody. Relitigation involves returning to court to have previous decisions varied or overturned.

CHAPTER 2

Literature Review

Although there is much theoretical literature supporting mediation as an alternative to the traditional adversarial divorce there has been little empirical research in the area. The literature covers a range of areas including descriptions and history of mediation, different techniques and procedures employed in the process, comparisons of public and private mediation, discussion of which clients mediation is suited to, and questions pertaining to ethics and mediator qualifications. The major questions concerning client satisfaction, psychological impact, and effectiveness are only recently being addressed. In addition, since most public mediation considers only custody and access issues, the majority of these studies are of a limited scope.

The studies that have examined client satisfaction have concentrated on areas such as rates of successfully completed mediations, satisfaction with financial and property settlements, satisfaction with custody and visitation arrangements, willingness to recommend mediation to others, compliance with agreements, relitigation levels, psychological assessments of depression, anxiety and anger, and examination of post divorce relationships and the ability to continue to coparent.

Adversarial Divorce

The impact of the legal system on adjustment to marital separation was examined in a Pennsylvania study (Spanier, 1979) involving 205

separated or divorced individuals. The subjects had been separated for no more than 26 months and all had used the adversarial model. Separation was used rather than divorce because separation was considered to be the more critical social-psychological event, with adjustment beginning at the time of separation rather than at the time of divorce. Three separate scales measuring satisfaction with life, self esteem, and positive and negative feelings and their occurrence were examined using personal interviews and survey questionnaires. Over half of the respondents (55%) reported dissatisfaction with the entire legal process. And though 74% were satisfied with the lawyers handling of legal matters only 30% considered their lawyers extremely helpful with nonlegal matters, 38% considered the lawyers somewhat helpful and 32% regarded them as not helpful at all. Fifty-two percent of the clients considered the legal fees to be either outrageous or too high. Six percent felt their attorneys had used delaying tactics to increase fees and 27% felt their spouses attorneys had used delaying tactics to slow down the process. It was not uncommon for clients to report that their attorneys had advised them to exaggerate the marital problems, 29% reported their attorneys encouraged them to do things that might aggravate their spouse such as not paying bills, refusing to talk to their spouse, taking money out of the savings account or moving out of the house, 20% claimed their attorneys had encouraged them to make a bigger issue of the separation than they wanted to, 26% admitted to lying in hearings to help ensure the desired outcomes, and 26% reported involvement with lawyers worsened the spousal relationship. Only 6%

reported an improvement in the relationship with 69% believing there was no change.

Although this study does not support the presumption that the problems encountered within the adversarial process influence the postdivorce adjustment it was limited to examining individuals' adjustment and did not consider family adjustment, ongoing relationships between noncustodial parents and children or the ability of the spouses to coparent after the separation. However, the study does demonstrate significant client dissatisfaction with the adversarial process.

Hochberg and Kressel (1983) examined the determinants of successful divorce settlements. They cited several studies that suggested there are major problems with the adversarial divorce process which lead to mediocre levels of client satisfaction, frequent post-divorce litigation, and high levels of non-compliance with visitation, child support and alimony. Their study involved 90 divorcees who were selected from the court records of Middlesex County, New Jersey to complete a divorce questionnaire. In addition 14 of the subjects were personally interviewed. Response to the questionnaire indicated that post-divorce cooperation was related to an active negotiating role for the client, open communication, a cooperative orientation, use of verbal reasoning skills rather than verbal aggression, attorneys that gave neither cooperative nor competitive advice, high husband income and clients who felt confident and knowledgeable about their spouses. Post-divorce dissatisfaction was related to poor emotional well-being, a lack of client confidence or knowledge regarding their spouse during the settlement process, client passivity in the negotiating process,

apprehension concerning communication, major differences over settlement terms, competitive orientations, and lawyers who were not counsellor oriented. Interviews with both good and especially poor outcome subjects indicated a considerable dissatisfaction with the relationship with their lawyers. Clients felt inadequately informed of legal rights, felt they did not have sufficient input into negotiations, and believed lawyers often escalated the conflicts. They suggested stricter legal enforcement to deal with non-compliance of agreements and offered suggestions, including mediation, for reform of the divorce process.

Custody and Access Studies

In 1973, Margolin (cited in Sprenkle, 1983) conducted a study involving 150 divorced couples who were disputing custody. One half of the subjects were randomly assigned to a two-hour counselling session with a therapist. Evaluation criteria included pretrial agreement and satisfaction with the visitation agreement which was measured by a questionnaire four months after the settlement. Seventy-three of the 75 counselled couples reached a pretrial agreement compared to only one couple in the control group. Nine counselled couples and 59 control couples repeated litigation within the following four months. Eighty-six percent of mothers and 77% of fathers reported the counselling sessions to have been helpful.

A 1979 study by Doyle and Caron (cited in Sprenkle, 1983) examined 686 cases of custody litigation comparing custody resolution counselling with traditional custody studies. A group of 113, randomly chosen cases, that had not contested custody were used for comparison purposes. There were

no significant sociological or demographic differences between the groups. Stipulations were produced in 77% of the resolution counselling group and in 21% of the custody study group. Twenty-six percent of the custody study group relitigated and 10% of the resolution counselling group relitigated.

Irving, Bohm, MacDonald and Benjamin (1979, cited in Sprenkle, 1983) studied 228 court clients who were randomly assigned to a Conciliation Counselling Service Group (N = 106) or a Traditional Intake Service Group (N = 122). Data was gathered at three points in time: base line, during counselling and 12 weeks after the termination of services. Twenty-two percent of the CCS clients stipulated compared to 8% of the TIS clients. Twenty-five percent of CCS clients reported that life had become "much better" after counselling compared to 9% of the TIS clients.

A follow up to the 1979 study was done by Irving, Benjamin, Bohm and MacDonald in 1981 (cited in Sprenkle, 1983). Ninety couples and their children were interviewed, again using stipulation and quality of life as a measurement. The previous study was used as a baseline for comparison. Seventy percent of the couples stipulated compared to 22% in the previous study. Twelve percent reconciled. Fifty-four percent reported they had completely met their goals and 28% reported they had partially accomplished their goals. Seventy-six percent of the clients felt things were "better or much better" since counselling. Ten percent of the couples returned to court within one year.

Bahr (1981a) analyzed data from courts with mediation services and courts without mediation services with regard to economic efficiency, compliance, and postdivorce adjustment. Court reports were obtained from

California, Connecticut, Minnesota, Wisconsin, Canada and Australia. Data from Los Angeles County showed a court with a mediation service cost about 10% less than a court without mediation services. Cost effectiveness of court counselling in Australia cost about 50% less than a court with no mediation counselling. In Minnesota the custody study system cost about twice as much as mediation. The Toronto mediation program was about 10% more efficient than the custody study system. The data supports the premise that a court with mediation services is more economical than a court without such a service. Three areas were considered for compliance with court orders; in Wisconsin 10.5% of mediated agreements returned to court compared with 34.3% of court determined settlements, in Minnesota 10% of mediated cases and 26% of traditional custody study cases returned to court within two years and in Connecticut less than one third of the mediation parents reported that agreements had not been met. Data on post divorce adjustment was gathered from Irvings (1979) study which showed three times as many mediation clients as adversarial clients reported considerable improvement six weeks after the conclusion of the agreement.

The Denver Custody Mediation Project (Pearson and Theonnes 1982, 1984) randomly assigned two thirds of referred cases to mediation and one third to a control group. Couples in the experimental group were offered free mediation services, however, approximately half of these refused. They were included in the study as a reject group (N=95). The control group (N=54) was interviewed three times: when divorce papers were filed, at promulgation and 6-12 months later. The mediation group (N=125) was interviewed four times: prior to the start of mediation, immediately after

mediation was concluded, at promulgation, and 6-12 months later. The mediation group was subdivided into two distinct groups, those who completed mediated agreements and those who did not.

Male-female mediation teams, comprised of a lawyer and a mental health professional, conducted the mediation sessions. Sixty-one of the mediation couples reached agreements, 64 couples terminated prior to reaching an agreement, but 65% of these stipulated prior to their court appearance.

Savings in time, attorney's fees, public costs, satisfaction with the agreement, relationship with spouse, type of custody agreement, and child support arrangements were used as evaluative measures. The estimated public cost of contested child custody cases ranged from \$40,040 to \$54,640 for every 100 mediated cases depending on hours of bench time (the range considered was 4.0 to 9.8 hours). The estimate for 100 nonmediated cases ranged from \$45,650 to \$82,150. Therefore public savings may be between \$5,610 to \$27,510 for every 100 cases. Eleven percent of the mediated cases required custody investigations compared to 35% of nonmediated cases. Individual savings were small, with the average cost for mediation respondents being \$1,325 and the average cost for the control group being \$1,536, a difference of \$211.

Successful mediation cases were concluded in an average of 8.5 months compared to 10.2 months for the control group. Fifty-two percent of the mediation group felt the process was "perfectly fair", 54% felt both parties had equal influence and 85% believed the agreement to be "complete and thorough", whereas 33% of the control group felt the process was

"perfectly fair", 26% felt they each had equal influence and 68% thought the agreements were "complete and thorough".

In the mediation group 69% felt the decision making process had improved communication, 47% reported improved understanding, 62% reported a reduction in anger and 75% felt there was improved cooperation compared to 17%, 11%, 15% and 24% respectively for the control group.

Sixty-nine percent of the mediated cases opted for joint custody arrangements, 7% of the control group cases resulted in joint custody. Visitation in the mediation group was 7.7 days per month and 4.9 days a month for the control group.

Compliance and relitigation figures show that temporary restraining orders or contempt citations were in effect for 15% of the mediation group and 35% of the control group. Motions to modify had been initiated by 20% of the control group but by none of the mediation group. Thirteen percent of the mediation group reported serious problems with the agreement with 40% of the control group reporting the same.

Seventy percent of the mediation group reported being "highly satisfied " with mediation, 92% would recommend it to a friend and 93% would mediate again. Interestingly 22% of the group that terminated mediation prior to reaching an agreement were "highly satisfied" with mediation, 81% would recommend mediation to a friend and 64% would try mediation again. No more than 50% of respondents reported being satisfied with the adversarial process.

Results from this study indicate high rates of satisfaction with the mediation process, willingness to recommend mediation to others, greater

satisfaction with agreements, greater compliance, less relitigation, improved communication and understanding between ex-spouses, more joint custody agreements, more visitation with children, savings in time, and lower costs both publically and individually.

On January 1, 1981, California legislated mandatory mediation requiring all couples with disputes over custody or visitation to attend mediation before being allowed a court hearing. Saposnek et al. (1984) examined the results of the first year of mandatory mediation. Eight to 16 months after agreements had been completed 148 mediation cases involving resistant clients from the Santa Cruz Family Mediation Service were evaluated to determine their success.

There were no significant demographic differences between clients. The majority of clients were Caucasian with education levels from less than high school to doctoral degrees. There were fifty-eight different occupation represented and 12 different religious affiliations. Twenty-seven percent of the clients had been previously married and the duration of present marriages ranged from less than one year to over 21 years. Two thirds of the couples had experienced previous separations within the present marriage and twice as many wives as husbands had decided to leave the marriage. Forty-three percent (mostly women) reported either physical or emotional abuse. Eighteen percent reported drug abuse and 16% reported extra-marital affairs. Childrens ages ranged from less than a year to 17 1/2 years. Mediation sessions were conducted by five family therapists experienced with voluntary mediation.

Of the 148 cases 75% reached agreements in mediation, 15% either reconciled or reached agreements before their first mediation session, and 10% failed to formulate agreements outside of court.

Forty-two percent of the successful mediation couples (it was not possible to contact the others) were interviewed by phone to determine the status of their agreements and to establish their perception of the mediation process. Interviews were conducted by the therapists but not the original therapist who conducted the initial mediation sessions.

When asked how the parenting agreement was working 54% of the respondents gave a rating from 6 - 10 (with 10 being the top of the scale). Thirty-seven percent rated the agreement from 0 - 4. Communication was a major aspect that had improved over the year for those who were satisfied, plus better time sharing with the child, better cooperation and more flexibility. Seventy-one percent of the respondents reported that the children were doing well and gave a rating between 6 and 10 for their child adjustment. Fifteen percent gave rating of 4 or below. Sixty percent indicated that they were pleased with the mediation process, rating it between 6 and 10. Thirty-three percent rated the process between 0 and 4. The overall average for satisfaction with the mediation process was 6.0. When asked how effective mediation was in general the mean average rating was 8.2. Sixty-seven percent of the couples had not returned to court and 33% had returned to court within the one year period. When asked how they would compare the court experience and mediation experience the majority of clients favored mediation over court. One of the most frequent suggestions

clients gave, when asked how to improve the mediation experience, was to have follow up sessions.

The data collected from the first year of the California mandatory mediation program seems to support involuntary mediation as well as voluntary mediation and suggests that there are benefits even when the clients are reluctant.

A Virginia study conducted by Emery and Wyer (1987a, 1987b) compared mediated and litigated custody and visitation disputes. Forty pairs of separated parents were randomly assigned to either the experimental or the control group. Sessions were conducted by male-female mediator teams and were limited to a maximum of six two-hour meetings. Eighty-two percent of the subjects were Caucasian, the rest were blacks. Ages ranged from 18 to 45 years. The subjects were mainly of low socioeconomic status. Income ranged from 0 - \$20,000 with an average of \$7,000 to \$9,000 for female and male respectively. Sixty-five percent of the subjects had high school education or less and the most were from protestant backgrounds.

Subjects were interviewed between 1 and 16 weeks after the resolution of the dispute. Data was obtained through the use of a five point scale measuring the divorce experience, an acrimony scale measuring conflict in the coparenting relationship, an 11-item self-report scale measuring acceptance of marital termination and the Beck Depression Inventory measuring psychological distress.

Fifteen of the 20 mediation families and 5 of the litigation families settled out of court. This is a 67% reduction in number of cases proceeding to court. It took an average of 23 days to reach mediated settlements and 43

days to conclude litigated settlements. There were more joint custody agreements in the mediation group but no significant differences in visitation or child support.

Mediation fathers indicated greater satisfaction than litigation fathers for every item on the questionnaire. Litigation mothers were more satisfied with the outcome of their agreements than were mediation mothers and reported lower depression levels than all three of the other groups. Mediation mothers reported a more positive effect on their children than did litigation mothers. In general men found it more difficult to accept the termination of the marriage than did mothers.

Several other studies support particular aspects found in the research cited above. Koopmans, Hunt and Stafford (1984) for example, collected data from 26 mediated child custody cases and 21 non-mediated cases. Eighty-eight percent of the mediation group chose joint custody whereas there were no joint custody agreements in the non-mediation group. The public confirmation that joint custody provides for both parents has been reported to result in fewer contempt citations for failure to pay support and in increased noncustodial parental contact with the children (Orlando, 1983 cited in Koopmans, 1984). Thoennes and Pearson (1985) examined child custody and visitation disputes in three different legal jurisdictions, the Los Angeles Conciliation Court, the Hennepin County, Minnesota, Superior Court and the Connecticut Superior Court in regard to predicting outcomes in divorce mediation. They found that of 208 subjects interviewed 77% said they would recommend mediation to others. Roehl and Cook (1985) cited a report by McEwen and Maiman who studied small claims mediations and

reported that 71% of mediated claims were paid in full as compared to 34% of adjudicated judgments. Disputants also claimed improved relations with the other party, better communication, alleviated anger and frustration and improved behaviors. A study of the Frontenac Family Referral Service in Kingston Ontario by Devlin and Ryan (1986) found a significant difference in mediation clients and adversarial clients. In this study 38% of the mediation clients reconciled compared to 10% of the adversarial clients. The main reason given was increased communication and understanding as a result of the mediation process. The mediation clients who remained separated reported an increased ability to discuss problems and to cooperate with respect to the children. In contrast 32% of the adversarial group reported a deterioration in the relationship and linked it to the adversarial process. At the time of follow up more mediation couples reported being still satisfied with their agreements and less than a quarter had returned to court. In addition, more of the mediation fathers made regular support payments than adversarial fathers.

These studies suggest that there is strong evidence to support mediation. There is a higher rate of pretrial agreements, there is a higher rate of client satisfaction with mediated agreements, and relitigation rates are lower. Sprenkle (1983) also reports more joint custody decisions when counselling is involved and decreased public expense for custody studies and court costs. However, there was also a higher depression rating for mediation mothers than adversarial mothers and mediation mothers felt they lost more materially and financially though they felt that the adjustment of their children was better.

Comprehensive Mediated Divorce

In a study by Kressel et al (1980) nine couples who concluded their divorce settlement using structured mediation, which included custody, visitation, child support, alimony and property division, were compared with five couples who used the traditional adversarial system. All couples had at least one dependent child. In the mediation group both marital partners participated in recorded mediation sessions and both mediation and nonmediation couples were involved in extensive postdivorce interviews.

Some dissatisfaction with the settlement terms, especially the financial aspects, and tension in interpersonal relationship was noted with mediation couples, however, individual adjustment was reasonably good. Mediation parents felt the children had adjusted well and that they were able to be cooperative with coparenting issues. The postdivorce period for nonmediated couples was more conflictual. There was considerable dissatisfaction with the settlement terms which increased as time went on, personal adjustment was slow, and custody and visitation difficulties had become a focal point for conflict.

The small number of subjects used in the study and the unique nature of the sample (all subjects were white, 33-40 years of age, all husbands were in professional or managerial positions and most were Protestant) does not allow generalization to other populations and therefore has a tentative value only. The fact that mediated couples had been divorced for a much shorter period (median = 6 months) than adversarial couples (median = 14

months) may also have implications for adjustment and satisfaction. There had been a much longer period in which the adversarial couples may have become disillusioned with the agreements or may have encountered difficulties which they felt needed to be rectified.

Bahr (1981b) interviewed 79 individuals from Fairfax County, Virginia, 19 of whom had participated in a mediation process and 60 from the county court who had used the adversarial approach. Monetary cost, fairness and client satisfaction, which included satisfaction with mediation, the lawyer and the final decisions regarding money, property and children, were used as criteria to evaluate the mediation process.

Divorce costs were approximately \$150.00 less for individuals using mediation and \$550.00 less for mediation for matched couples. Fifty-three percent felt mediation fees were about right, 11% felt the fees were too high and one third felt the fees were somewhat low. There were no significant differences between groups regarding satisfaction with attorneys and their fees, one third were very satisfied and one quarter were somewhat satisfied. Sixty-five percent felt the attorneys fees were somewhat to very high, only 25% felt they were about right.

Although there were no significant differences regarding perceived fairness in custody and visitation between the two groups, only half of the nonmediation group felt the monetary settlement was fair compared to 100% of the mediation group.

Sixty-eight percent of mediation clients reported being very satisfied with mediation and an additional 21% reported being somewhat satisfied. Eighty-four percent of the mediation group would recommend mediation to

a friend but only half of the respondents would recommend their attorney to a friend.

For overall satisfaction with the final decision on money, property and children, 90% of the mediation client were somewhat to very satisfied compared to adversarial clients where 59% were somewhat to very satisfied.

Although the results tend to be highly supportive of mediation, the sample was relatively small, it was not randomly assigned nor experimentally matched, therefore conclusions are only suggestive.

The Divorce Mediation Project (Kelly, 1987) was begun in California in 1983 to compare comprehensive divorce mediation, which addressed property, child support, custody and visitation and spousal support, with the traditional adversarial approach. The mediation group consisted of 106 couples who entered a program at the Northern California Mediation Center on a voluntary basis. Clients paid an hourly fee for the services. The adversarial group consisted of 225 individuals who had filed court petitions for divorce (this sample represented 43% of those approached regarding the study). The subjects in both samples were predominantly middle to upper middle class, white and well-educated.

The groups were compared at five different times during the process, from entry into the system to two years post-divorce. Fifty-seven percent of the mediation group reached agreements. At the time the study was written, 80% of both samples had completed final divorce and the data includes information from 80 mediation respondents and 140 adversarial respondents.

The Client Assessment of Mediation (Divorce) Services (CAMS) which is a 54 item questionnaire with a seven point rating scale was used with both groups as well as the SCL-90, which was used to measure psychological state of mind. CAMS explored process issues such as mediator behaviors, skill, and impartiality, efficiency, power balance, self efficacy, and assessed satisfaction with property, support, custody and visitation agreements.

Similar amounts of predivorce anger were reported by both groups determining that the mediation group was not an easier or more cooperative group to work with, as is sometimes assumed. Women in both groups were angrier and more dissatisfied with their marriages than their mates and those under 45, were more likely to have initiated the divorce. Mediation subjects rated their partners as more fair minded and honest than adversarial subjects did but also reported more sadness, depression, guilt and stress than their adversarial counterparts.

In the final analysis mediation subjects showed a more positive perception and a greater satisfaction in thirteen of fifteen significant group differences regarding process, agreements and final outcome. The mediation subjects felt the process had a positive effect on their abilities to reason and communicate with each other. Three quarters of both men and women agreed that the mediators were skillful, showed concern for their feelings, helped identify important issues, provided enough information to protect their interests, did not impose their own views and were impartial. Eighty-two percent of the women and 71% of the men felt the mediator helped them stand up for their own rights and reported having equal influence

over the terms of the agreement. By final divorce the mediation group was significantly more cooperative and perceived their spouses as less angry than the adversarial group. With the exception of child support, both men and women in the mediation group were more satisfied with the process and their agreements, reporting better custody and visitation, fairer spousal support and more satisfactory property settlements. The mediation group as a whole felt the process was more empowering than did their adversarial counterparts.

Mediation women were significantly more satisfied on 14 of the items measuring process or outcome and were more likely to be satisfied with property, custody and spousal support. Seventy-four percent of these women indicated that they would definitely recommend mediation to a friend and another 13% thought they probably would. Adversarial women did not express more satisfaction on any item measured. Mediation women were equally as satisfied as their partners and believed they had equal influence in the negotiations.

Twelve percent of mediation couples felt communication between them had deteriorated whereas half of the adversarial couples felt their communication had worsened. Seventy-nine percent of mediation men and 72% of mediation women compared to 44% of adversarial men and 51% of adversarial women reported being somewhat to very satisfied with their experience.

Kelly, Gigy and Hausman (in press) took a closer look at the differences between the adversarial subjects and the mediation subjects in the California Divorce Mediation Project. Mediation couples were, on the

average, three years younger than adversarial couples and had attained significantly higher levels of education being more likely to have college or university degrees. The two groups did not differ in combined income, nor in the number of women working full time. There were a higher number of couples with dependent children in the mediation group, 83% compared to 52%. However these couples did not give the children as being their number one reason to mediate though approximately half said it was one of several reasons to mediate. A variety of reasons were checked for entering mediation; 91% wanted to reach an overall agreement that was satisfactory to both parties, 83% wanted to reduce the cost of the divorce, 81% wanted to reduce contact with lawyers and courts, 65% wanted to retain friendly relations with the exspouse and 20% wanted to work out a good custody and visitation arrangement.

Mediation subjects regarded their spouses as more honest, fair and flexible than adversarial subjects, but did not differ in rating their spouses ability to compromise. The groups did not differ in the amounts of reported marital conflict prior to the divorce nor were there differences in anger or hostility ratings at the outset. Both groups reported equally poor communication and levels of cooperation at the beginning of the study did not differ. Significantly higher levels of depression, stress and guilt were reported by mediation subject. This may reflect an inability to totally reject or blame their spouses and thus encourage consideration for the feelings and needs of the other party, promoting a more humane process of dissolving the marriage. There was a significant drop in anger in both groups, especially for women, by the second testing which indicates time is

an important factor in reducing psychological distress. This study did not support the hypothesis that mediation is more effective in reducing psychological distress than the traditional methods of divorce. Though reduction of anger, depression, stress and guilt were found to be a function of the passage of time and not significantly effected by mediation it did affect the quality of the post-divorce relationship and the ability to coparent, with adversarial couples feeling that they were less able to cooperate regarding issues concerning the children.

Fifty-seven percent of the mediation group completed agreements. For the other 43%, feelings of being still connected, not being separated, not having filed for divorce, interest in reconciliation, feeling the issues were too complex, feeling a lack of power, seeing the spouse as unreasonable, untrustworthy or angry or not being able to tolerate the presence of the spouse led to the termination of mediation. Among those who terminated 76% of women and 41% of the men said they would recommend mediation to a friend, an additional 12% of the women and 29% of the men thought they "probably would".

Summary of the Literature Reviewed

Although there are few empirical studies comparing mediation and adversarial processes, and the majority are limited to custody and access, the results are generally consistent. Even with reluctant clients and mandatory mediation, as in the Saposnek study, the data supports mediation as a positive alternative to the traditional adversarial method of divorce.

Dissatisfaction with the legal system and legal fees was evident in a variety of the studies (Spanier, 1979; Hochberg, 1983; Bahr, 1981; Pearson, 1982, 1984; Devlin, 1986; Kelly, 1987). Between 32 - 65% of the subjects reported deteriorating conditions regarding communication and cooperation, a lack of satisfaction with lawyers, a lack of satisfaction with the process and fees that were considered too high.

The literature suggests that mediation is a viable economic alternative citing figures of 10% to 50% for public saving resulting from fewer custody studies and a reduction in court hours as well as showing modest savings for individuals (Bahr, 1981a, 1981b; Pearson, 1982, 1984). Pretrial stipulation varied from 22% to 97% for the mediation groups with an average of 66% and from 1% to 25% for the adversarial groups with an average of 15%. (Sprenkle, 1983; Pearson, 1982, 1984; Saposnek, 1984; Emery, 1987a, 1987b; Kelly 1987). Problems with compliance were reported to range from 13% to less than a third for mediated agreements and from 35 - 40% for adversarial agreements (Bahr, 1981b; Pearson 1982, 1984). Relitigation was reported for 0 to 25% of voluntary mediation cases and for 33% of the mandatory mediation cases compared to 20 to 59% of the adversarial cases (Bahr, 1981b; Pearson, 1982, 1984; Sprenkle, 1983; Saposnek, 1984). At this point noncompliance and relitigation costs have not been considered in the literature as increases to the public cost of divorces.

Significant differences are evident between the rates of satisfaction with the mediation process and satisfaction with the adversarial process. Sixty to 90% of mediation clients report being somewhat to very satisfied compared to 44 to 59% of adversarial subjects (Bahr, 1981a; Pearson, 1982,

1984; Sprenkle, 1983; Saposnek, 1984; Kelly 1987). Willingness to recommend mediation to others was stated by 74 - 92% of the subjects interviewed (Pearson, 1982, 1984; Thoennes, 1985; Kelly 1987). Interestingly, 41 - 81% of subjects who did not successfully complete mediated agreements expressed positive feelings about the process and a willingness to recommend mediation to others (Pearson, 1982, 1984; Kelly, 1987).

Several of the studies indicated increased post divorce cooperation regarding the children and an ability to coparent for mediation couples (Kressel, 1980; Irving, 1979, 1981; Pearson, 1982, 1984; Saposnek, 1984; Devlin, 1986; Kelly, 1987). However, there is a lack of consensus concerning psychological distress and individual adjustment with Kressel (1980), Irving (1979, 1981), Pearson (1982, 1984), Saposnek (1984) and Devlin (1986) reporting favorably for mediation. Emery (1987), however, found higher depression rates in mediation mothers than in other groups and was supported by Kelly's (in press) findings of higher depression, stress, and guilt rates in mediation subjects. Kelly (in press) further suggests that psychological distress is time related rather than process related.

The current research is not without fault. Some studies include non-random assignment of subjects or unmatched subjects. The number of subjects in some studies are very small. Separately the studies generally look at individual mediation programs with unique populations. Most subjects have been Caucasian and the majority of studies are limited to custody and access. The studies rely on self report and the differences between successful mediation cases and those who fail to complete mediation have not been adequately examined. However some studies have included Blacks and

Hispanics. A wide range in ages and a variety of professions have been represented. Education levels vary including subjects with less than high school graduation to subjects with graduate degrees. Gender differences have been considered. Families with and without children have been included. Although limited, both custody and access cases and comprehensive divorce have been evaluated. The results, regardless of age, economic status, education, whether limited to custody and visitation or comprehensive divorce are generally consistent.

Although the results have been consistent, the fact remains that there are still very few mediation studies, especially in the area of comprehensive divorce. There are conflicting findings on psychological distress and individual adjustments. The length of time before follow-up on most of the studies has been relatively short and there have been problems with attrition resulting in a low percentage of subjects being available for the follow-up study. Therefore the conclusions regarding the impact of mediation over time can only be tentative. The mediators involved in the studies have usually been mental health practitioners. None of the studies have examined satisfaction with lawyer mediated cases to determine whether satisfaction levels are significantly different compared to lawyer litigated cases. Though positive in nature the information presently available is limited

A need for additional research, especially in the area of comprehensive divorce mediation, seems to be indicated. Since the majority of divorce mediation in B.C. is done by lawyers and there are no studies

examining satisfaction with lawyer mediated cases, this seems to be a logical avenue to follow. Therefore this study will address the following questions:

Statement of Research Questions

1. Are there significant differences in satisfaction between individuals who have retained lawyers who use a comprehensive mediation process and individuals who have retained lawyers who use an adversarial process to produce separation agreements?
2. Are there significant differences in satisfaction between male and female individuals who have used a comprehensive mediation process and between male and female individuals who have used the traditional adversarial process to obtain separation agreements?
3. Are there significant differences in psychological distress between individuals who have mediated separation agreements and individuals who have litigated separation agreements?
4. Are there significant differences between mediation and adversarial subjects in willingness to recommend the separation process in which they were involved?

CHAPTER 3

Method

Subjects

There were two groups of participants involved in this study, a mediation group (n = 21) and an adversarial group (n = 24). The adversarial group consisted of 15 females and 9 males. The mediation group consisted of 9 females and 12 males. The majority of both female and male subjects in the adversarial group were between 36-40 years of age. The majority of female mediation subjects were between 36-40 years of age while the male mediation subjects were between 36-45 years of age. Seventy-three percent of female adversarial subjects and 78% of male adversarial subjects had a college education or higher. Eighty-nine percent of the female mediation subjects and 51% of the male mediation subjects had education levels of college or higher. The income range for the majority of female adversarial subjects was 0-\$15,000 and for the majority of male adversarial subjects 26-\$35,000 while the majority of both male and female mediation subjects was 26-\$45,000. The average number of children was 2.2 for both the mediation and the adversarial groups. The average length of the marriage was 12.6 years for the adversarial group and 13.2 years for the mediation group with marriages ranging from 4 to over 20 years for both groups. The length of separation ranged from 3 months to 5 years for both groups with an average of 2.4 years for the adversarial group and 1.6 years for the mediation group (Table 1).

In the adversarial group, the decision to leave the marriage had been made 47% of the time by the female spouse, 37% of the time by the male and 16% of the time by mutual consensus. In the mediation group the decision to leave the marriage had been made 76% of the time by the female spouse, 0% of the time by the male spouse and 24% by mutual consensus (Table 2).

The major reason reported for leaving the marriage by all four groups was a loss of closeness and love. Female adversarial subjects also cited different values and lifestyles, financial conflict and third party involvement as being major contributors to the break-up. Male adversarial subjects included third party involvement, career stresses, and psychological abuse as contributors to the break-up. Female mediation subjects included financial stresses, different values and life styles and career stresses as contributors and male mediation subjects included career stresses, sexual incompatibility, family role conflict, emotional instability and financial conflict as being major contributors. Loss of closeness was cited by four of the groups, financial conflict by three of the groups, career stress by three of the groups, different values and lifestyles by two of the groups and third party involvement by two of the four groups as major reasons for separation (Table 4).

The mediation group, when asked who had chosen the mediation process, reported that 43% of the time it was the female spouse, 9% of the time the male spouse and 48% of the time it was by mutual consensus (Table 3).

Table 1
Demographic Characteristics

	Adversarial		Mediation	
	<u>Women</u>	<u>Men</u>	<u>Women</u>	<u>Men</u>
Sample Size	15	9	9	12
	(N = 24)		(N = 21)	
	Total N = 45			
Age (Mean)	36-40	36-40	36-40	36-45
Education				
Gr. 11 or less	0%	0%	0%	8%
High School Grad	27%	22%	11%	41%
Univ. Degree	27%	45%	45%	17%
Graduate Degree	13%	11%	11%	17%
Tech/College Tr.	33%	22%	33%	17%
Employed				
Full Time	7%	78%	56%	92%
Part Time	13%	22%	22%	0%
Not Employed	80%	0%	22%	8%
Income (Mean)	0-\$15,000	26-\$35,000	26-\$45,000	26-\$45,000
Years Married (Mean)	12.6 yrs		13.2 yrs	
Length of Time Separated (Mean)	2.4 yrs		1.6 yrs	
No. of Children (Mean)	2.2		2.2	
Age of Children (Mean)	8.8 yrs		11.0 yrs	

Table 2

Decision To Leave The Marriage

	<u>Adversarial</u>	<u>Mediation</u>
Female	47%	76%
Male	37%	0%
Mutual	16%	24%

Table 3

Decision To Mediate

Female	43%
Male	9%
Mutual	48%

Table 4

Summary of Major Reasons to Leave the Marriage

	Adversarial		Mediation	
	<u>Female</u>	<u>Male</u>	<u>Female</u>	<u>Male</u>
Loss of closeness	x	x	x	x
Financial conflict	x		x	x
Career stress		x	x	x
Diff. values & lifestyle	x		x	
Third party involved	x	x		
Psychological abuse		x		
Sexual Incompatability				x
Family role conflict				x
Emotional Instability				x

Instrumentation

Client Assessment of Mediation (Divorce) Services CAMS. The Client Assessment of Mediation (Divorce) Services is the major instrument used in this study. This instrument was developed by Joan Kelly for use at the Northern California Mediation Center to assess client satisfaction with the mediation program used there. Slight modifications were made in wording and several of the questions, not relevant to this study, were deleted. CAMS is a fifty-four item questionnaire with five and seven point rating scales used to measure satisfaction with mediator/lawyer behaviors, skills, and impartiality, process efficiency, power balance, self efficacy, post-divorce spousal relationships and feelings, cooperation concerning children, satisfaction with property, support, custody and visitation agreements, compliance and relitigation.

Kelly and Gigy (1988) examined the CAMS as a research instrument developed to measure clients attitudes towards the process and outcome of separation and divorce. The CAMS was pretested for readability and clarity. Items were worded positively as well as negatively to preclude response bias. The authors divided the CAMS into three subsets of items pertaining to the mediation process itself, the outcomes and agreements and items that specifically dealt with children. Principal-component analysis was used with the three subsets and factors with an eigenvalue greater than 1 were selected to define the satisfaction indicies.

To determine construct validity correlations were examined between the three subsets and other measures hypothesized to relate to mediation

satisfaction. Overall satisfaction of the mediation process was significantly ($p < .05$) correlated with the process, outcome, and child-specific scales. Adequate reliability is demonstrated by alpha coefficients ranging from .74 to .91. The authors concluded that the CAMS is a reliable valid measure of client satisfaction with the mediation process. They caution, however, that the generalizability should be tested further through administration of the questionnaire to additional groups, other than middle class Caucasian subjects, in different settings to determine if the same dimensions of satisfaction can be replicated.

For the purposes of this study, the questions from the CAMS were divided into subscales. The variables considered were a) relationship with and feeling towards the spouse, b) psychological stress, c) willingness to recommend the process, d) satisfaction with the separation agreement, e) involvement with children and interaction as parents, f) satisfaction with custody and visitation, g) compliance, h) relitigation, and i) satisfaction with the separation process. For information regarding the grouping of individual questions into the subscales see appendix E. Since questions on the CAMS were worded both positively and negatively, the number value for negatively worded questions was reversed so that a choice of 5 or 7 always indicated a strongly positive response or a high level of satisfaction.

Profile of Mood States. Psychological stress and depression levels have been measured with the Profile of Mood States (POMS). POMS measures six mood states: a) tension-anxiety which includes adjectives indicative of heightened musculoskeletal tension, somatic tension and psychomotor manifestations, b) depression-dejection which includes

adjectives which represent a mood of depression accompanied by a sense of personal inadequacy, futility, emotional isolation, sadness and guilt, c) anger-hostility including adjectives indicating intense overt anger, milder feelings of hostility and items referring to more sullen or suspicious components of hostility, d) vigor-activity including adjectives suggesting a mood of vigorousness, ebullience and high energy, e) fatigue-inertia representing a mood of weariness, inertia and low energy levels, and f) confusion-bewilderment including adjectives characterizing bewilderment or muddleheadedness possibly related to the classical organized-diorganized dimension of emotion and a by-product of anxiety. For information regarding the grouping of the individual questions into subcategories see Appendix F. Additionally the number value for negatively worded questions was reversed so that a choice of 4 always indicated a strong positive response. Therefore the higher mean reflects the more positive response or feeling. Buros reports that the test reliability appears to be high, ranging from .84 to .95 in two samples of 350 and 650 psychiatric patients. Test-retest correlations range from .65 to .74. Buros also states that POMS scales have considerable face validity and that internal consistency is high. POMS was developed over six replications with sample sizes ranging from 150 to 650. It uses a five point scale and is endorsed for use with normal subjects, 18 years and older with some high school education.

Procedure

Five mediation lawyers, Mr. B. Klassen, Mr. J. McHale, and Mr. C. Kehler who practice in Victoria and Ms. J. Bradley and Mr. D. Chalke who

practice in Vancouver, were contacted concerning the study. Individual meetings were arranged to explain the purpose and procedures of the study. Each of the lawyers agreed to participate in the study. A covering letter from the lawyers office, a letter of information, a Client Assessment of Mediation (Divorce) Services questionnaire and a Profile of Mood States were sent to clients who had completed separation agreements within the last two years. All clients had dependent children at the time of separation. To protect client confidentiality the names of the clients were not provided to the researcher. It was clearly communicated to the clients that participation was voluntary and those who chose to be involved returned their questionnaires to the Univeristy of Victoria.

A similar procedure was followed to obtain an adversarial group. However, the adversarial lawyers who were approached declined to participate in the study. Therefore a variety of other methods were used to contact subjects for this group. These methods included advertising in the Daily Sentinel and the Monday Magazine, requests to Divorce Lifeline and the Single Parent Resource Center for subjects, approaching university classes to request subjects and use of personal contacts. Potential subjects were contacted individually by the researcher, the study was explained and the individual then decided whether to participate or not. The subjects were given the same package the mediation subjects received with the exception of the covering letter from the lawyers office. The completed forms were returned to the university.

CHAPTER 4

Results

An analysis of variance was used to compare the differences between the groups for:

- 1 satisfaction with the separation process
- 2 psychological stress
- 3 willingness to recommend

Analysis of the Two Major Groups

Nine subscales from the CAMS and six subscales from the POMS were used in analyzing satisfaction between the mediation group and the adversarial group.

Data from the CAMS showed significant differences between the two groups in "willingness to recommend" the dissolution process in which they were involved. The mediation group was significantly more willing to recommend mediation to a friend, $F(1,44) = 48.73$, $p < .001$, than the adversarial group was willing to recommend litigation (see Table 5). Significant differences were also found between groups for "satisfaction with custody and visitation". The mediation group was more satisfied with their custody agreements and visitation, $F(1,44) = 5.98$, $p < .01$, than was the adversarial group (see Table 6). An analysis of "satisfaction with the lawyer/mediator and the dissolution process" resulted in significant differences, with the mediation group again showing higher levels of satisfaction, $F(1,44) = 18.79$, $p < .001$, (see Table 7), than the adversarial group.

Table 5

Analysis of Variance Comparing Willingness To Recommend by Group

Source of Variation	Sum of Squares	DF	Mean Square	F	Sig of F
Main effects	50.575	1	50.575	48.733	.000
Group	50.575	1	50.575	48.733	.000
Explained	50.575	1	50.575	48.733	.000
Residual	44.625	43	1.038		
Total	95.200	44	2.164		

45 cases processed

0 cases missing

$p < .001$

Cell Means
Willingness To Recommend
by Group

<u>Group</u>	<u>1</u>	<u>2</u>
	2.21	4.33
	(24)	(21)

(Group 1 - Adversarial; Group 2 - Mediation)

Table 6

Analysis of Variance Comparing Satisfaction
With Custody/Visitation by Group

Source of Variation	Sum of Squares	DF	Mean Square	F	Sig of F
Main effects	16.677	1	16.677	5.987	.019
Group	16.677	1	16.677	5.987	.019
Explained	16.677	1	16.677	5.987	.009
Residual	119.768	43	2.785		
Total	136.444	44	3.101		

45 cases processed

0 case missing

$p < .01$

Cell Means
Satisfaction With Custody/Visitation
by Group

<u>Group</u>	<u>1</u>	<u>2</u>
	4.54	5.76
	(23)	(21)

(Group 1 - Adversarial; Group 2 - Mediation)

Table 7

Analysis of Variance Comparing Satisfaction With the Process by Group

Source of Variation	Sum of Squares	DF	Mean Square	F	Sig of F
Main effects	1426.514	1	1426.514	18.791	.000
Group	1426.514	1	1426.514	18.791	.000
Explained	1426.514	1	1426.514	18.791	.000
Residual	3264.286	43	75.914		
Total	4690.800	44	106.609		

45 cases processed

0 cases missing

$p < .001$

Cell Means
Satisfaction With Process
by Group

<u>Group</u>	<u>1</u>	<u>2</u>
	33.67	44.95
	(23)	(21)

(Group 1 - Adversarial; Group 2 - Mediation)

The remaining six subscales from the CAMS: relationship with/and feelings toward spouse, psychological stress, satisfaction with the separation agreement, involvement with children/interaction as parents, compliance and relitigation, showed no significant differences between the two groups.

Data from the POMS resulted in significant differences between the two groups on four of the six subscales used. Significantly lower levels of Tension/Anxiety were noted in the mediation group, $F(1,44) = 6.56, p < .01$, than in the adversarial group (see Table 8). Similar results were found when analyzing Depression/Dejection. The mediation group showed a significantly lower level, $F(1,44) = 9.12, p < .004$, of depression and dejection than the adversarial group (see Table 9). Results of analysis of the Anger/Hostility subscale again showed significantly lower levels of stress within the mediation group, $F(1,44) = 5.30, p < .02$, than in the adversarial group (see Table 10). Significant differences were found between group in Confusion/Bewilderment. There was evidence of significantly lower levels of confusion and bewilderment in the mediation group, $F(1,44) = 5.16, p < .02$, than in the adversarial group (see Table 11).

There were no significant differences found between the two groups on the subscales vigor/activity or fatigue/inertia.

Analysis of Subgroups

A similar analysis of data was done using the nine subscales of the CAMS and the six subscales of the POMS with each of the four subgroups, adversarial men, adversarial women, mediation men and mediation women, to determine differences.

Table 8

Analysis of Variance Comparing Tension/Anxiety
by Group

Source of Variation	Sum of Squares	DF	Mean Square	F	Sig of F
Main effects	126.229	1	126.229	6.567	.014
Group	126.229	1	126.229	6.567	.014
Explained	126.229	1	126.229	6.567	.014
Residual	826.571	43	19.223		
Total	952.800	44	21.655		

45 cases processed

0 cases missing

$p < .01$

Cell Means
Tension/Anxiety
by Group

<u>Group</u>	<u>1</u>	<u>2</u>
	24.50	27.86
	(24)	(21)

(Group 1 - Adversarial; Group 2 - Mediation)

* a higher mean indicates a more positive answer and therefore indicates lower stress.

Table 9

Analysis of Variance Comparing Depression/Dejection
by Group

Source of Variation	Sum of Squares	DF	Mean Square	F	Sig of F
Main effects	660.357	1	660.357	9.126	.004
Group	660.357	1	660.357	9.126	.004
Explained	660.357	1	660.357	9.126	.004
Residual	3111.643	43	72.364		
Total	3772.000	44	85.727		

45 cases processed

0 cases missing

$p < .004$

Cell Means
Depression/Dejection
by Group

<u>Group</u>	<u>1</u>	<u>2</u>
	45.08	52.76
	(24)	(21)

(Group 1 - Adversarial; Group 2 - Mediation)

* a higher mean indicates a more positive answer and therefore indicates lower stress.

Table 10

Analysis of Variance Comparing Anger/Hostility by Group

Source of Variation	Sum of Squares	DF	Mean Square	F	Sig of F
Main effects	347.657	1	347.657	5.303	.026
Group	347.657	1	347.657	5.303	.026
Explained	347.657	1	347.657	5.303	.026
Residual	2819.143	43	65.561		
Total	3166.800	44	71.973		

45 cases processed

0 cases missing

$p < .02$

Cell Means
Anger/Hostility
by Group

<u>Group</u>	<u>1</u>	<u>2</u>
	33.67	39.24
	(24)	(21)

(Group 1 - Adversarial; Group 2 - Mediation)

* a higher mean indicates a more positive answer and therefore indicates lower stress.

Table 11

Analysis of Variance Comparing Confusion/Bewilderment by Group

Source of Variation	Sum of Squares	DF	Mean Square	F	Sig of F
Main effects	158.502	1	158.502	5.164	.028
Group	158.502	1	158.502	5.164	.028
Explained	158.502	1	158.502	5.164	.028
Residual	1319.810	43	30.693		
Total	1478.311	44	33.598		

45 cases processed

0 cases missing

$p < .02$

<u>Group</u>	Cell Means Confusion/Bewilderment by Group	
	<u>1</u>	<u>2</u>
	22.00	25.76
	(24)	(21)

(Group 1 - Adversarial; Group 2 - Mediation)

* a higher mean indicates a more positive answer and therefore indicates lower stress.

Significant differences were found between the subgroups when comparing "willingness to recommend" the dissolution process, $F(3,44) = 16.03$, $p < .001$, (see Table 12). Mediation women were most willing to recommend and adversarial men were least willing to recommend. T-tests showed significantly less satisfaction for adversarial men ($M = 2.00$) than either mediation men ($M = 4.25$), $t(-5.21) = 4.53$, $p < .001$, or mediation women ($M = 4.44$), $t(-5.15) = 6.30$, $p < .001$. Adversarial women ($M = 2.33$) also showed lower levels of satisfaction than either mediation men ($M = 4.25$), $t(-4.71) = 4.31$, $p < .001$, or mediation women ($M = 4.44$), $t(-4.65) = 6.00$, $p < .001$, (see Table 13). There were no significant differences between adversarial men and women or between mediation men and women.

Comparisons between subgroups resulted in significant differences with "satisfaction with custody and visitation" $F(3,43) = 3.08$, $p < .03$ (see Table 14). Mediation men were most satisfied ($M = 5.83$) and adversarial men were least satisfied ($M = 3.78$). T-tests showed significant differences between adversarial men ($M = 3.78$) and mediation men ($M = 5.83$), $t(-2.96) = 1.03$, $p < .009$. There were also significant differences between adversarial men ($M = 3.78$) and mediation women ($M = 5.67$), $t(2.37) = 1.33$, $p < .03$, (see Table 15).

Analysis showed significant differences in "satisfaction with the mediator/lawyer and the process" $F(3,43) = 6.65$, $p < .001$, (see Table 16). T-tests showed that adversarial men ($M = 32.89$) were significantly less satisfied than mediation men ($M = 44.00$), $t(-2.33) = 2.06$, $p < .02$ and less satisfied than mediation women ($M = 46.22$), $t(-3.03) = 6.21$, $p < .01$, (see Table 17). Adversarial women ($M = 34.13$) were significantly less satisfied

Table 12

Analysis of Variance Comparing Willingness to Recommend
by Subgroup

Source of Variation	Sum of Squares	DF	Mean Square	F	Sig of F
Main effects	51.394	3	17.131	16.034	.000
Group	51.394	3	17.131	16.034	.000
Explained	51.394	3	17.131	16.034	.000
Residual	43.806	41	1.068		
Total	95.200	44	2.164		

45 cases processed

0 cases missing

p < .001

Cell Means
Willingness to Recommend
by Subgroup

<u>Group</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
	2.00	2.33	4.25	4.44
	(9)	(15)	(12)	(9)

Group 1 – Adversarial Men; Group 2 – Adversarial Women
Group 3 - Mediation Men; Group 4 - Mediation Women

Table 13

T Test for Subgroup Significances with Willingness to Recommend

Group	Number of cases	Mean	Standard deviation	Standard error	F value	2-tail prob	Pooled variance estimate			Separate variance estimate		
							t value	Degree of freedom	2-tail prob	t value	Degree of freedom	2-tail prob
Group 1	9	2.000	1.323	.441	4.53	.024	-5.21	19	.000	-4.73	10.66	.001
Group 3	12	4.250	.622	.179								
Group 1	9	2.000	1.323	.441	6.30	.017	-5.15	16	.000	-5.15	10.48	.000
Group 4	9	4.444	.527	.176								
Group 2	15	2.333	1.291	.333	4.31	.020	-4.71	25	.000	-5.06	21.04	.000
Group 3	12	4.250	.622	.179								
Group 2	15	2.333	1.291	.333	6.00	.016	-4.65	22	.000	-5.60	20.14	.000
Group 4	9	4.444	.527	.176								

Group 1 - Adversarial Men; Group 2 - Adversarial Women
 Group 3 - Mediation Men; Group 4 - Mediation Women

Table 14
Analysis of Variance Comparing Satisfaction with Custody/Visitation
By Subgroup

Source of Variation	Sum of Squares	DF	Mean Square	F	Sig of F
Main effects	25.486	3	8.495	3.085	.038
Group	25.486	3	8.495	3.085	.038
Explained	25.486	3	8.495	3.085	.038
Residual	110.151	40	2.754		
Total	135.636	43	3.154		

45 cases processed

0 cases missing

$p < .03$

<u>Group</u>	Cell Means Satisfaction with Custody/Visitation by Subgroup			
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
	3.78	4.93	5.83	5.67
	(9)	(14)	(12)	(9)

Group 1 – Adversarial Men; Group 2 – Adversarial Women

Group 3 - Mediation Men; Group 4 - Mediation Women

Table 15
T Test for Subgroup Significances with Satisfaction with Custody

Group	Number of cases	Mean	Standard deviation	Standard error	F value	2-tail prob	Pooled variance estimate			Separate variance estimate		
							t value	Degree of freedom	2-tail prob	t value	Degree of freedom	2-tail prob
Group 1	9	3.777	1.563	.521	1.03	.994	-2.96	19	.008	-2.96	17.52	.009
Group 3	12	5.833	1.586	.458			*					
Group 1	9	3.777	1.563	.521	1.33	.697	-2.37	16	.030	-2.37	15.69	.031
Group 4	9	5.666	1.803	.601			*					

Group 1 - Adversarial Men; Group 2 - Adversarial Women
 Group 3 - Mediation Men; Group 4 - Mediation Women

Table 16

Analysis of Variance Comparing Satisfaction with the Process
by Subgroup

Source of Variation	Sum of Squares	DF	Mean Square	F	Sig of F
Main effects	1549.500	3	516.500	6.657	.001
Group	1549.500	3	516.500	6.657	.001
Explained	1549.500	3	516.500	6.657	.001
Residual	3103.659	40	77.591		
Total	4653.159	43	108.213		

45 cases processed

0 cases missing

$p < .001$

Cell Means
Satisfaction with the Process
by Subgroup

<u>Group</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
	32.89	33.36	44.00	46.22
	(9)	(14)	(12)	(9)

Group 1 – Adversarial Men; Group 2 – Adversarial Women
Group 3 - Mediation Men; Group 4 - Mediation Women

than mediation men ($M = 44.00$), $t(-2.98) = 1.01$, $p < .006$ and less satisfied than mediation women ($M = 46.22$), $t(-4.39) = 3.04$, $p < .001$, (see Table 17).

There were no significant differences found in satisfaction between the remaining CAMS subscales, relationship with/and feeling toward spouse, psychological stress, satisfaction with the separation agreement, involvement with children/interaction as parents, relitigation or compliance.

An analysis of data from the POMS showed significant differences between subgroups on three of the subscales (the reversal of negative scores results in lower mean scores showing higher levels of stress and higher mean scores showing lower levels of stress).

Comparisons of the Depression/Dejection measure showed significant differences between subgroups $F(3,44) = 4.11$, $p < .01$, with mediation women ($M = 53.56$) showing the lowest levels of stress and adversarial men ($M = 41.33$) the highest (see Table 18). T-tests showed significantly more depression/dejection in adversarial men ($M = 41.33$) than in mediation men ($M = 52.17$), $t(-2.89) = 3.43$, $p < .005$ or in mediation women ($M = 53.56$), $t(-3.27) = 4.83$, $p < .007$, (see Table 19).

The Anger/Hostility measures showed significant differences among groups with mediation men ($M = 40.17$) having the lowest levels of anger/hostility and adversarial men ($M = 30.44$) having the highest levels, $F(3,44) = 2.69$, $p < .05$ (see Table 20). T-tests showed differences only between adversarial men ($M = 30.44$) and mediation men ($M = 40.17$), $t(-2.32) = 3.10$, $p < .02$ (see Table 21).

Table 17

T Test for Subgroup Significance with Satisfaction with the Process

Group	Number of cases	Mean	Standard deviation	Standard error	F value	2-tail prob	Pooled variance estimate			Separate variance estimate		
							t value	Degree of freedom	2-tail prob	t value	Degree of freedom	2-tail prob
Group 1	9	32.888	12.262	4.087	2.06	.266	-2.45	19	.024	-2.33	13.58	.036
Group 3	12	44.000	8.549	2.468								
Group 1	9	32.888	12.262	4.087	6.21	.018	-3.03	16	.008	-3.03	10.51	.012
Group 4	9	46.222	4.919	1.640								
Group 2	15	34.133	8.576	2.214	1.01	1.000	-2.87	25	.006	-2.98	23.75	.007
Group 3	12	44.000	8.549	2.468								
Group 2	15	34.133	8.576	2.214	3.04	.118	-3.84	22	.001	-4.39	21.99	.000
Group 4	9	46.222	4.919	1.646								

Group 1 - Adversarial Men; Group 2 - Adversarial Women
 Group 3 - Mediation Men; Group 4 - Mediation Women

Table 18

Analysis of Variance Comparing Depression/Dejection
by Subgroup

Source of Variation	Sum of Squares	DF	Mean Square	F	Sig of F
Main effects	872.778	3	290.926	4.114	.012
Group	872.778	3	290.926	4.114	.012
Explained	872.778	3	290.926	4.114	.012
Residual	2899.222	41	70.713		
Total	3722.000	44	85.727		

45 cases processed

0 cases missing

$p < .01$

Cell Means
Depression/Dejection
by Subgroup

<u>Group</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
	41.33	47.33	52.17	53.56
	(9)	(15)	(12)	(9)

Group 1 – Adversarial Men; Group 2 – Adversarial Women

Group 3 - Mediation Men; Group 4 - Mediation Women

*a higher mean indicates a more positive answer and therefore indicates lower stress.

Table 19

T Test for Subgroup Significances with Depression

Group	Number of cases	Mean	Standard deviation	Standard error	F value	2-tail prob	Pooled variance estimate			Separate variance estimate		
							t value	Degree of freedom	2-tail prob	t value	Degree of freedom	2-tail prob
Group 1	9	41.333	10.198	3.399	3.43	.062	-3.14	19	.005	-2.89	11.48	.014
Group 3	12	52.166	5.508	1.590								
Group 1	9	41.333	10.198	3.399	4.83	.039	-3.27	16	.005	-3.27	11.18	.007
Group 4	9	53.555	4.640	1.547								

Group 1 - Adversarial Men; Group 2 - Adversarial Women

Group 3 - Mediation Men; Group 4 - Mediation Women

* A higher mean indicates a more positive answer and therefore indicates lower stress.

Table 20

Analysis of Variance Comparing Anger/Hostility
by Subgroup

Source of Variation	Sum of Squares	DF	Mean Square	F	Sig of F
Main effects	521.311	3	173.770	2.693	.059
Group	521.311	3	173.770	2.693	.059
Explained	521.311	3	173.770	2.693	.059
Residual	2645.489	41	64.524		
Total	3166.800	44	71.973		

45 cases processed

0 cases missing

$p < .05$

<u>Group</u>	Cell Means Anger/Hostility by Subgroup			
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
	30.44	35.60	40.17	38.00
	(9)	(15)	(12)	(9)

Group 1 – Adversarial Men; Group 2 – Adversarial Women

Group 3 - Mediation Men; Group 4 - Mediation Women

*a higher mean indicates a more positive answer and therefore indicates lower stress.

Table 21

T Test for Subgroup Significances with Anger/Hostility

Group	Number of cases	Mean	Standard deviation	Standard error	F value	2-tail prob	Pooled variance estimate			Separate variance estimate		
							t value	Degree of freedom	2-tail prob	t value	Degree of freedom	2-tail prob
Group 1	9	30.444	11.260	3.753	3.10	.086	-2.51	19	.021	-2.32	11.83	.039
Group 3	12	40.166	6.394	1.846			*					

Group 1 - Adversarial Men; Group 2 - Adversarial Women
 Group 3 - Mediation Men; Group 4 - Mediation Women

* A higher mean indicates a more positive answer and therefore indicates lower stress.

Significant differences were evident between subgroups when comparing the Confusion/Bewilderment subscale. Adversarial men ($M = 19.44$) showed the highest level of confusion/bewilderment and mediation women ($M = 26.67$) showed lowest level (see Table 22). T-tests showed significant differences between adversarial men ($M = 19.44$) and mediation men ($M = 25.08$), $t(-2.09) = 1.95$, $p < .04$ and between adversarial men ($M = 19.44$) and mediation women ($M = 26.67$), $t(-2.81) = 3.86$, $p < .01$, (see Table 23).

There were no significant differences between subgroups on the remaining POMS subscales, Tension/Anxiety, Vigor/Activity or Fatigue/Inertia.

Summary of Results

In summary, analysis of data showed significant differences between adversarial and mediation groups in several areas on both the CAMS and the POMS. Differences were noted on the subscales measuring willingness to recommend the process, satisfaction with custody/visitation, satisfaction with the lawyer/mediator and the process, levels of tension/anxiety, levels of depression/dejection, levels of anger/hostility and levels of confusion/bewilderment. The mediation groups were consistently more satisfied with the mediation process, the mediator, custody and visitation agreements and were more willing to recommend the process. The mediation group also showed lower levels of tension, depression, anger and confusion than the adversarial group (see Tables 25 & 26).

Table 22

Analysis of Variance Comparing Confusion/Bewilderment
by Subgroup

Source of Variation	Sum of Squares	DF	Mean Square	F	Sig of F
Main effects	265.439	3	88.480	2.991	.042
Group	265.439	3	88.480	2.991	.042
Explained	265.439	3	88.480	2.991	.042
Residual	1212.872	41	29.582		
Total	1478.311	44	33.598		

45 cases processed

0 cases missing

p < .04

Cell Means
Confusion/Bewilderment
by Subgroup

<u>Group</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
	19.44	23.53	25.08	26.67
	(9)	(15)	(12)	(9)

Group 1 – Adversarial Men; Group 2 – Adversarial Women

Group 3 - Mediation Men; Group 4 - Mediation Women

*a higher mean indicates a more positive answer and therefore indicates lower stress.

Table 23

T Test for Subgroup Significances with Confusion/Bewilderment

Group	Number of cases	Mean	Standard deviation	Standard error	F value	2-tail prob	Pooled variance estimate			Separate variance estimate		
							t value	Degree of freedom	2-tail prob	t value	Degree of freedom	2-tail prob
Group 1	9	19.444	6.876	2.292	1.95	.302	-2.19	19	.041	-2.09	13.85	.055
Group 3	12	25.083	4.926	1.422			*					
Group 1	9	19.444	6.876	2.292	3.86	.074	-2.81	16	.013	-2.81	11.88	.016
Group 4	9	26.666	3.500	1.167			*					

Group 1 - Adversarial Men; Group 2 - Adversarial Women
 Group 3 - Mediated Men; Group 4 - Mediated Women

* A higher mean indicates a more positive answer and therefore indicates lower stress.

Table 24 is deliberately omitted
from this thesis.

Table 25

Summary of Significant Differences Between Groups

Variables	Mean Square	Sig. of F.
<u>CAMS</u>		
Willingness to Recommend		
Adversarial	2.21	.001
Mediation	4.33	
Custody/Visitation		
Adversarial	4.48	.01
Mediation	5.76	
Satisfaction with the Process		
Adversarial	33.17	.001
Mediation	44.95	
<u>POMS</u>		
Tension/Anxiety		
Adversarial	24.50	.01
Mediation	27.86*	
Depression/Dejection		
Adversarial	45.08	.004
Mediation	52.76*	
Anger/Hostility		
Adversarial	33.67	.02
Mediation	39.24*	
Confusion/Bewilderment		
Adversarial	22.00	.02
Mediation	25.76*	

* a higher mean indicates a more positive answer and lower stress

Table 26

Summary of Significant Differences Between Subgroups

Variables	Mean Square	Sig. of F.
<u>CAMS</u>		
Willingness to Recommend		
Adversarial Men	2.00	.001
Mediation Men	4.25	
Adversarial Men	2.00	.001
Mediation Women	4.44	
Adversarial Women	2.33	.001
Mediation Men	4.25	
Adversarial Women	2.33	.001
Mediation Women	4.44	
Satisfaction with Custody/ Visitation		
Adversarial Men	3.77	.008
Mediation Men	5.83	
Adversarial Men	3.77	.03
Mediation Women	5.66	
Satisfaction with the Process		
Adversarial Men	32.88	.02
Mediation Men	44.00	
Adversarial Men	32.88	.01
Mediation Women	46.22	
Adversarial Women	34.13	.006
Mediation Men	44.00	
Adversarial Women	34.13	.001
Mediation Women	46.22	

Table 26 (continued)

Summary of Significant Differences Between Subgroups

Variables	Mean Square	Sig. of F.
<u>POMS</u>		
Depression/Anxiety		
Adversarial Women	41.33	.005
Mediation Men	52.16*	
Adversarial Men	41.33	.007
Mediation Women	53.55*	
Anger/Hostility		
Adversarial Men	30.44	.02
Mediation Men	40.16*	
Confusion/Bewilderment		
Adversarial Men	19.44	.04
Mediation Men	25.08*	
Adversarial Men	19.44	.01
Mediation Women	26.66*	

* a higher mean indicates a more positive answer and lower stress.

CHAPTER 5

Discussion

The results of this study indicate significant differences in satisfaction between individuals who retained lawyers who use a comprehensive mediation process and individuals who retained lawyers who use an adversarial process, to produce separation agreements. There are no significant differences between male and female individuals who used the mediation process or between male and female individuals who used the adversarial process. However, although there are no significant differences between sexes within groups there are significant differences between sexes between groups. There are significant differences in psychological distress between individuals who mediated separation agreements and individuals who litigated separation agreements. Finally, there are significant differences between mediation and adversarial subjects in willingness to recommend the process by which they obtained their separation agreement.

The data supports previous research that consistently favors mediation compared to litigation as a separation process (Kelly, 1987; Emery 1987; Pearson, 1982, 1984; Emery 1987). Approximately half of the variables considered indicated significantly higher levels of satisfaction or lower levels of stress within the mediation groups than the adversarial groups. On no variable were the adversarial subjects significantly more satisfied or less stressed than mediation subjects.

Satisfaction With The Process

While it is interesting to determine that mediation subjects are significantly more satisfied with the process than adversarial subjects and answers the research question being considered, at the same time the results raise more questions. Namely, what exactly is it that mediation subjects are more satisfied with than their adversarial counterparts? A closer examination of question 57 parts a-m helped to identify particular aspects of the process and determine differences in individual responses. Specific information was obtained from questions such as; "Did your separation process lead to a reasonable cost for obtaining the separation agreement? Seventy-eight percent of mediation women and 58% of mediation men felt that it had compared to 20% of adversarial women and 33% of adversarial men. "Did your separation process lead to a reasonable amount of time to get a separation agreement? Fifty-six percent of mediation women and 50% of mediation men felt that it had whereas only 7% of adversarial women and 44% of adversarial men felt that it had. Fifty-six percent of mediation women and 83% of mediation men felt the process in which they had been involved reduced or avoided hostility between them and their spouse while 20% of adversarial women and 22% of adversarial men felt this was so. When asked if the process had resulted in a reasonable amount of contact with lawyers/mediator and court proceedings, 67% of mediation women and 58% of mediation men felt it had while 20% of adversarial women and 11% of adversarial men felt the same. When asked if they had a sense of personal control over the separation agreement, 89% of mediation women and 58% of mediation men indicated that they felt they had whereas 33% of

both adversarial men and adversarial women indicated that they felt they had had personal control. Subjects were asked if the process had brought about a change in their spouse's viewpoint or positions, 11% of mediation women, 25% of mediation men felt it had while 7% of adversarial women and 11% of adversarial men felt it had. Thirty-three percent of mediation women and 17% of mediation men felt the process had improved communication between them and their spouse while 7% of adversarial women and 11% of adversarial men felt their communication had improved. Avoidance of public disclosure was another aspect considered. Twenty-two percent of mediation women and 42% of mediation men felt the process had protected their privacy while 13% of adversarial women and 11% of adversarial men felt their privacy had been protected. Twenty-two percent of mediation women and 42% of mediation men felt the process had promoted a continuing friendly relationship with their spouse while 20% of adversarial women and 22% of adversarial men felt that they continued to have a friendly relationship with their spouse. On nine of the thirteen aspects covered in question 57 the results for mediation subjects ranged from 50 to 89% while only one question received a response over 50% from the adversarial subjects (see Appendix G for a summary of the percentages for question 57 a-m). Additionally it was noted that on all aspects of the question mediation percentages were higher than adversarial percentages.

The most important aspects of the process for mediation women were; a feeling of personal control over the separation agreement (44%), an overall agreement satisfactory to both themselves and their spouse (33%)

and custody/visitation that was good for themselves and their children (33%). Most important for mediation men were; reduced or avoided hostility between them and their spouse (50%), a feeling of personal control over the separation agreement (33%) and an overall agreement satisfactory to both themselves and their spouse (25%).

Willingness To Recommend

It may be assumed that significant differences in satisfaction with the process would lead logically to a willingness to recommend the process to others. However this does not necessarily have to be so. Significant differences in satisfaction between the adversarial groups and the mediation groups do not indicate "how" satisfied the mediation groups are, they may be more satisfied than the others but yet unwilling to recommend. Therefore a willingness to recommend must be considered an individual variable and not merely an addendum to satisfaction with the process.

In this study, when asked if they would recommend the process, 100% of mediation women and 92% of mediation men answered either "yes or enthusiastically". Twenty-seven percent of adversarial women and 22% of adversarial men answered "yes" to the same question, none would endorse it "enthusiastically".

These percentages give a clearer picture of the levels of satisfaction than merely indicating significant differences. The percentages also coincide with findings from Kelly's (1987) study where 74% of mediation women indicated they would recommend mediation to others and another 13% thought they probably would and Pearson and Thoennes (1982, 1984)

findings where 92% of the mediation group stated they would recommend mediation to a friend and an additional 81% of those who did not complete the mediation process stated that they too would recommend mediation.

Custody and Visitation

Mean differences in satisfaction with custody and visitation indicated that adversarial men were the least satisfied with their custody and visitation agreements. They were significantly less satisfied than either mediation men, who indicated the highest levels of satisfaction, or mediation women. In many cases children are traditionally placed in the custody of their mothers and visitation may be limited to every second weekend for fathers. The assumption would be that there is a real feeling of loss and a feeling of helplessness or lack of control over the situation for these men. Being involved in the mediation process would provide the opportunity to be heard and give more of a sense of having some influence over the situation. Only 33% of adversarial men indicated that the process they had been involved in resulted in custody and visitation arrangements that were good for them and their children. Fifty-three percent of adversarial women, 67% of mediation men and 56% of mediation women felt the custody/visitation arrangements were good for both themselves and their children. Kelly's (1987) study showed similar results with mediation fathers and mothers reporting better custody and visitation than adversarial parents.

Psychological Stress

The greatest difference between previous research and this study are found in the area of psychological stress. Emery (1987) found higher depression rates in mediation mothers than in the other three groups. The results of this study are quite different. Adversarial men indicated higher levels of depression, anger and confusion than mediation men and higher levels of depression and confusion than mediation women. Additionally even though the differences were not significant for adversarial women, cell means indicated that in the areas of tension, anger, depression and confusion that adversarial women were more stressed than either mediation men or women. One difference between Emery's study and this study was the instrument used to measure psychological stress. Emery used the Beck Depression Inventory while this study used the Profile of Mood States. This may account for some of the differences. However what is probably much more significant is the difference in time before follow up between the two studies. Emery's follow-up ranged from 1-16 week following the conclusion of the final agreement. In this study the separation time for subjects ranged from 3 months to 5 years with an average of 2.4 years for the adversarial group and 1.6 years for the mediation group. If, as Kelly (in press) concluded, stress is time related this could account for the major differences between Emery's findings and the present study.

In Kelly's (in press) study the SCL-90, a 90 item, self-report, psychological symptom inventory, designed to be a measure of current psychological status, was used to determine psychological stress. Kelly found that mediation subjects reported higher levels of guilt, depression and stress

but that there were no significant differences in anger between adversarial and mediation subjects, however, it was noted that women generally were significantly more angry than men. These were the results at the time of the first testing which was entry into either mediation or the adversarial process. By time 2, which was the completion of mediation (or termination of mediation) for the mediation group and 6 months after time 1 for the adversarial group, the anger of the women had significantly dropped although there was little change in the mens anger levels. Depression, stress and guilt had dropped significantly for both groups. Kelly concludes that this is a result of the passage of time rather than due to the intervention.

Again, as with Emery's (1987) study, the differences between Kelly's findings and the present study are instrumentation and timing. Kelly examined psychological stress prior to the process and at the conclusion of the intervention. This study examines psychological stress, on the average, a year and a half to two years after the separation. Kelly's conclusions that reduction in divorce related stress is a function of time may be correct, however, there may still be differences between the two groups resulting from the different processes they participated in which show up only after a significant passage of time, which is what this study would seem to indicate.

Limitations

A major difficulty that many field researchers experience is a low return of questionnaires. This study was no exception. Thirty-one (25%) of the 126 questionnaires that were mailed out to prospective mediation subject were returned. Ten of these were eliminated due to such reasons as; no

minor children involved, no separation agreements, no client information form, or being returned after data had been analyzed. There are several factors that may have contributed to the low number of returns. First, in an effort to protect client confidentiality, there was no personal contact by the researcher with the subjects. Personal contact often strengthens a subjects commitment to participation in such a study, unfortunately this was not possible. Secondly, the questionnaire was fairly long which may have been discouraging to subjects. And thirdly, it involved a sensitive subject that clients may not have wanted to re-examine or share, especially with strangers. This difficulty was not experienced with the adversarial group as contact was personal and questionnaires were not given out unless a subject was willing to participate.

In addition, to low return percentages for the mediation group, those participating in the study were voluntary, which would mean that the groups were comprised of a select population who for some reason of their own wanted to be involved. It is entirely possible that the groups may consist of subjects whose feelings represent the extremes, either very happy or very unhappy. Also the subjects involved were predominately middle-aged and Caucasian. Consequently, it is impossible to judge whether or not these groups are a good representation of all client experiencing a separation either by mediation or litigation.

A further consideration is possible effects of differences between groups. The financial position of adversarial women is considerably different than that of the other three groups. This difference may contribute to their level of stress and satisfaction although the results do not show

them to be the most stressed or the least satisfied of the four subgroups. None of the mediation men chose to end their relationships, this may contribute to differences in stress and satisfaction if not between them and the adversarial groups then between them and mediation women.

Finally, the instruments used called for self report on the part of the subjects which is considered one of the less reliable methods of collecting data.

For the reasons given the results of this study can at best be considered only tentative.

Implications

The results of this study support previous research (Kelly, 1987; Pearson, 1982, 1984; Emery, 1987) that indicated higher satisfaction rates from mediation clients in the area of satisfaction with the process, satisfaction with custody/visitation and willingness to recommend and although the results of this study must be viewed as tentative, they would add credence to others findings.

The lack of significant differences, between the mediation group and the adversarial group, in satisfaction with the overall agreement, relationship with spouse, interaction as parents, compliance and relitigation may be a reflection of nothing more than low numbers within the groups or it may indicate that these are not the most important issues for the subjects, at least in this study, after a significant amount of time has passed. A major difference between this study and most of the other studies was the length of time after which the agreement was concluded and the follow-up. Most of

the other studies measured immediately after the agreement was concluded whereas this study has dealt with subject a year and a half to two years after the separation. The Kelly (1987) study may be the exception to this, however, it is often unclear at what point that data is being examined. She often mentions "at time of completion of mediation" (time 2) or "at time of final divorce" (time 3) but time 4 and 5, which are one and two years postdivorce, are not mentioned. If indeed it is only time 2 or 3 that is being considered within the Kelly papers then again time could be the crucial difference that is responsible for the conflicting data.

The major area of difference noted between results in this study and the findings of other studies involves the area of psychological stress. As was pointed out previously the length of time between the conclusion of the agreement and the follow-up may be the major factor contributing to these differences. This study would seem to indicate that mediation clients adjust to the divorce related stresses more positively over the long run, although as other studies indicate there may be no immediate psychological benefits. This finding needs to be tested further with other populations to determine whether these results can be replicated.

It must also be remembered that what is being compared here is not the adversarial method and the mediation method of separation but the satisfaction of those who have themselves chosen a particular method by which to obtain a separation, the method that they felt would best suit them.

Conclusions

Results from this study, although tentative, indicate that there are significant differences in the satisfaction of mediation clients and adversarial clients. Mediation clients appear to be more satisfied on a number of variables including satisfaction with the process and satisfaction with custody/visitation agreements and are more willing to recommend the process they were involved in. They show less divorce related stress in the areas of anger, depression, tension and confusion. On no variable were the adversarial clients more satisfied or less stressed.

Though the results support some of the findings of previous research there are also major differences, mainly in the area of psychological stress. However, these differences do lend additional support to the mediation process.

Recommendations for further study would emphasize the need to re-examine divorce related psychological stress in mediation and adversarial subjects over time, to determine the validity of the data in this study.

Findings from the data analyzed would tend to support the opinion that mediation is a viable alternative to the adversarial process and can lead to higher levels of satisfaction and possibly lower levels of long term stress, at least for some clients.

References

- Ahrons, C. R. Ph.D. (1981). The continuing coparental relationship between divorced spouses. *American Journal of Orthopsychiatry*, 51 (3), 415-428.
- Bahr, S.J. (1981a). Mediation is the answer: Why couples are so positive about this route to divorce. *Family Advocate*, 3 (4), 32-35.
- Bahr, S.J. (1981b). An evaluation of court mediation: A comparison in divorce cases with children. *Journal of Family Issues*, 21 (1), 39-60.
- Burger, W.B. Isn't there a better way? (1982). *American Bar Association*, 68, 274-277.
- Davis, R., Tichane, M., & Grayson, D. (1980). *Mediation and arbitration as alternatives to prosecution in felony arrest cases: An evaluation of the Brooklyn dispute resolution center*. New York: Vera Institute of Justice.
- Devlin, A. & Ryan, J.P. (1986). Family mediation in Canada: Past, present, and future developments. *Mediation Quarterly*, 11, 93-108.
- Dispute Resolution Alternative Committee. (1979). *The citizen dispute settlement process in Florida. A study of five programs*. Tallahassee, FL; Office of the State Court Administrator, Supreme Court of the State of Florida.
- Emery, R.E. (1987). Interparental conflict and the children of discord and divorce. *Psychological Bulletin*, 91 (2), 310-330.
- Emery, R.E. & Wyer, M.M. (1987a). Divorce mediation. *American Psychologist*, 42 (2), 472-480.
- Emery, R.E. & Wyer, M.M. (1987b). Child custody mediation and litigation: An experimental evaluation of the experience of parents. *Journal of Consulting and Clinical Psychology*, 42 (2), 472-480.
- Felstiner, W.F. & Williams, L. (1980). *Community mediation in Dorchester, Massachusetts*. Washington, D.C.: U.S. Government Printing Office.

- Gold, L. (1981). Mediation in the dissolution of marriage. *The Arbitration Journal*, 36 (3), 9-13.
- Grebe, S. (1986). Mediation in separation and divorce. *Journal of Counseling and Development*, 64 (6), 379-382.
- Herrman, M.S., McKenry, P.C. & Weber, R.E. (1979). Mediation and arbitration applied to family conflict resolution: The divorce settlement. *The Arbitration Journal*, 34 (1), 17-21.
- Hess, R.D. & Camara, K.A. (1979). Post-divorce family relationships as mediation factors in the consequences of divorce for children. *Journal of Social Issues*, 35 (4), 79-96.
- Hochberg, A.M. & Kressel, K. (1983). *Determinants of successful divorce settlement outcomes*. Paper presented at the Annual Convention of the American Psychological Association: Anaheim, CA.
- Jacobs, J.W. M.D. (1986). Divorce and child custody resolution: Conflicting legal and psychological paradigms. *American Journal of Psychiatry*, 143 (2), 192-197.
- Johnson, K.D. (1984). Factors predicting outcomes of divorce mediation. *Conciliation Courts Review*, 22 (2), 31-38.
- Kelly, J.B. (1987). *Mediated and adversarial divorce: Comparisons of client perceptions and satisfaction*. Paper presented at the American Psychological Association Annual Meeting. New York.
- Kelly, J., & Gigy, L. (1988). Measuring clients' perceptions and satisfaction. In J.A. Lemmon (Eds.) *Establishing standards for performance and evaluation*. *Mediation Quarterly*, 19, 43-51.
- Kelly, J., Gigy, L. & Hausman, S. (in press). Mediated and adversarial divorce: Initial findings from a longitudinal study. In J. Folberg & A. Milne (Eds.). *Divorce mediation: theory and practice*. New York: Guilford Press.
- Kelly, J.B. & Gigy, L. (in press). Divorce mediation: Characteristics of clients and outcomes. In Kressel, K & Pruitt, D. (Eds.). *Empirical studies in the resolution of conflict*. San Francisco: Jossey-Bass.

- Koch, M. & Lowery, C. (1984). Evaluation of mediation as an alternative to divorce litigation. *Professional Psychology: Research and Practice*, 15 (1), 109-120.
- Koopman, E.J., Hunt, E.J. & Stafford, V. (1984). Child related agreements in mediated and non-mediated divorce settlements: A preliminary examination and discussion of implications. *Conciliation Courts Review*, 22 (1), 19-25.
- Korelitz, A. & Schulder, D. (1982). The lawyer-therapist consultation team. *Journal of Marital and Family Therapy*, 8 (1), 113-119.
- Kressel, K., Jaffee, N., Tuchman, B., Watson, C. & Deutsch, M. (1980). A typology of divorcing couples: Implications for mediation and the divorce process. *Family Process*, 19 (2), 101-116.
- Kulka, R.A. & Weingarten, H. (1979). The long-term effects of parental divorce in childhood on adult adjustment. *Journal of Social Issues*, 35 (4), 50-78.
- Parkinson, L. (1983). Conciliation: A new approach to family conflict resolution. *British Journal of Social Work*, 13 (1), 22-25.
- Pearson, J. & Thoennes, N. (1982a). The benefits outweigh the costs. *The Family Advocate*, 4 (3), 26-32.
- Pearson, J. & Thoennes, N. (1982b). Divorce mediation: Strengths and weaknesses over time. In H. Davidson, L. Ray and R. Horowitz (Eds.). *Alternative means of family dispute resolution*. Washington, D.C.: American Bar Association.
- Pearson, J. & Thoennes, N. (1984). Mediating and litigating custody disputes: A longitudinal evaluation. *Family Law Quarterly*, 17, 497-524.
- Pearson, J. & Thoennes, N., & Vanderkooi, L. (1982). The decision to mediate: Profiles of individuals who accept and reject the opportunity to mediate contested child custody and visitation issues. In E.O. Fisher and M.S. Fisher (Eds.). *Therapists, lawyers and divorcing spouses*. New York: Hawthorn Press.
- Roehl, J. & Cook R.F. (1985). Issues in mediation: rhetoric and reality revisited. *Journal of Social Issues*, 41 (2), 161-178.

- Rutherford, M.C. (1986). Lawyers and divorce mediation: designing the role of "Outside Counsel." *Mediation Quarterly*, 12, 17-36.
- Saposnek, D.T., Hamburg, J., Delano, C.D. & Michaelsen, H. (1984). How has mandatory mediation fared?: Research findings of the first year's follow-up. *Conciliation Courts Review*, 22 (2), 7-19.
- Schwartzkoff, J. & Morgan, J. (1982). Community Justice Centers. *A report of the New South Wales pilot project, 1979-81*. Sydney Australia: The Law Foundation of New South Wales.
- Spanier, G.B. & Anderson, E.A. (1979). The impact of the legal system on adjustment to marital separation. *Journal of Marriage and the Family*, 41, 605-613.
- Spencer, J.L. & Zammit, J.P. (1976). Mediation-arbitration: A proposal for private resolution of disputes between divorced or separated parents. *Duke Law Journal*, 5, 911-939.
- Sprenkle, D.H. & Storm, C.L. (1983). Divorce therapy outcome research: A substantive and methodological review. *Journal of Marital and Family Therapy*, 9 (3), 239-258.
- Thoennes, N.A. & Pearson, J. (1985). Predicting outcomes in divorce mediation: The influence of people and process. *Journal of Social Issues*, 41 (2), 115-126.
- Wallerstein, J. & Kelly, J. (1980). *Surviving the breakup*. New York: Basic Books.
- White, J.H. (1985). Developing an instrument to measure satisfaction with divorce mediation. *Mediation Quarterly*, 10, 91-98.

Appendix A

Letter of Information



Letter of Information

Having been through a divorce personally, I am much concerned and interested in the experiences of others who have been through this process. As a graduate student in the area of Counselling Psychology at the University of Victoria, I have been studying divorce and working with people in this area for the last year and a half.

A major focus for me is the divorce process itself and how it is experienced by different people. As you probably know there is now a choice of how to proceed with a separation agreement, with the traditional adversarial approach, with a newer mediation approach, or with court adjudication.

The study I am conducting attempts to determine client satisfaction with the particular separation process clients have chosen. It will compare the satisfaction of those who chose the adversarial process with those who chose mediation and those who chose court adjudication. It will also look for differences and similarities in satisfaction between men and women in all areas. A similar study is under progress in California and the results of this study will be compared with the results of the California study.

However, to make this study a success I need the help and co-operation of people in this area who have been through a separation in the last two years. Therefore I am appealing to you to take the time, which will probably be about half an hour, to fill in the questionnaire and return it, in the enclosed envelope, to the university as soon as possible.

Your confidentiality is protected by the fact that I never need know your name! Your questionnaire has been sent from your lawyer's office without my being given access to your name. Nor will your lawyer see the completed questionnaire as it is sent directly to the university. Your participation is totally voluntary and at your own discretion, though again I urge you to seriously consider taking the time to participate and help this study to be a success.

If you would like more information or would like to know the results of this study you may contact me by writing to the above address, or you may phone 721-7834 or 384-8730. If you send a name and address to receive the results of the study after it is finished, which should be early this summer, please do so separately from your questionnaire so the questionnaires remain totally anonymous.

Thank you for taking the time to read and consider this information, and hopefully for agreeing to fill in the questionnaire and provide the data needed to complete this study.

Sincerely,

Linda Leibel

Appendix B

Client Information Form

11. Reason for separation (check the major cause or causes):

- conflict concerning child raising
- conflict about financial matters
- conflict concerning alcohol or drug abuse by self or spouse
- conflict due to emotional instability (depression, jealousy, etc.)
of self or spouse
- loss of closeness or love (grew apart, changed)
- conflict over different values or lifestyle
- conflict over family roles
- stress caused by career of self or partner
- third party involved
- sexual incompatibility
- physical or sexual abuse of/by partner
- physical or sexual abuse of children
- psychological abuse of/by partner

12. Separation process used:

- mediation (mediator working together with both parties)
- individual council (lawyers representing each party individually)
- court adjudication (court decision needed)

13. If you decided to mediate the separation who chose the process?

myself___ my spouse___ mutual___

14. If you chose mediation how did you learn about it?
(T.e., from friends, TV, magazines, lawyers, etc.)

Appendix C

Separation Questionnaire

SEPARATION QUESTIONNAIRE

1. Overall, what is the level of cooperation with your (former) spouse today?

No cooperation at all	Cooperation is very difficult	Strained cooperation	Some cooperation	Cooperation quite good	N/A (No contact at all)
1	2	3	4	5	-9

2. How frequently has there been open conflict between you and your (former) spouse since the separation agreement?

Not at all	Occasionally	Sometimes	Often	Always	N/A (No contact)
1	2	3	4	5	-9

3. How involved are you in your (former) spouse's present life?

Not at all involved	A little involved	Somewhat involved	Much involved	Very much involved
1	2	3	4	5

4. How involved is your (former) spouse in your life?

Not at all involved	A little involved	Somewhat involved	Much involved	Very much involved
1	2	3	4	5

5. How much disagreement have you had with your (former) spouse since the separation agreement about spousal support?

None	Little	Some	Considerable	Extreme	N/A (No spousal support)
1	2	3	4	5	-9

6. What are your feelings about the separation agreement now?

Very negative	Somewhat negative	In the middle	Mostly positive	Very positive
1	2	3	4	5

7. How angry do you feel toward your (former) spouse?

Not at all	Mildly angry	Moderately angry	Very angry	Extremely angry
1	2	3	4	5

8. How angry do you feel your (former) spouse is toward you?

Not at all	Mildly angry	Moderately angry	Very angry	Extremely angry
1	2	3	4	5

9. How much stress are you currently experiencing?

None	Mild	Moderate	Considerable	A great deal
1	2	3	4	5

10. How much depression or sadness are you experiencing about the separation?

None	Mild	Moderate	Considerable	A great deal
1	2	3	4	5

11. Do you feel guilty about your marriage ending?

Not at all	A little	Somewhat	Moderately	Very guilty
1	2	3	4	5

12. When you think about your future, how do you feel?

Very apprehensive	Somewhat apprehensive	Mixture apprehensive /confident	Somewhat confident	Very confident
1	2	3	4	5

13. Overall, rate your level of satisfaction with the separation process you experienced and the outcome:

Very dissat.	Mostly dissat.	Somewhat dissat.	Neither satis. or dissat.	Somewhat satis.	Mostly satis.	Very satis.
1	2	3	4	5	6	7

14. Would you recommend the separation process you experienced to a friend or colleague?

No	Reluctantly	Probably	Generally yes	Enthusiastically
1	2	3	4	5

The following 12 questions ask about your feelings about your (former) spouse. Please give your spontaneous answers; don't spend too much time deciding on any one item. Circle the scale number to the right that best reflects your feeling.

	<u>Always</u>	<u>Often</u>	<u>Sometimes</u>	<u>Rarely</u>	<u>Never</u>
15. I feel angry for the hurt I have gone through.	1	2	3	4	5
16. I hate him/her.	1	2	3	4	5
17. I have warm feelings for my former spouse.	1	2	3	4	5
18. I hope he/she has problems in new relationships.	1	2	3	4	5
19. I think he/she should be punished.	1	2	3	4	5
20. I care about his/her welfare.	1	2	3	4	5
21. I want revenge for wrongs done to me.	1	2	3	4	5
22. I want to get back at him/her for what's been done to me.	1	2	3	4	5
23. I feel compassion for him/her.	1	2	3	4	5
24. I blame him/her for the divorce.	1	2	3	4	5
25. I love him/her.	1	2	3	4	5
26. I don't feel he/she deserves to be happy.	1	2	3	4	5
27. In the last six months, I feel that <u>I</u> have been involved in my children's lives:					
Not at all	Very little	Somewhat	Considerably	Very deeply	
1	2	3	4	5	
28. In the last six months, I feel that my (former) spouse has been involved in our children's lives:					
Not at all	Very little	Somewhat	Considerably	Very deeply	
1	2	3	4	5	

29. What kind of shared parenting or visiting pattern do your children currently have? (check one)

- (1) Approximately half time
 (2) Several days each week or every weekend
 (3) Every other weekend plus one overnight each week
 (4) Three weekends out of four each month
 (5) Every other weekend plus several hours each mid-week
 (6) Every other weekend
 (7) One day or weekend per month
 (8) Less than once per month
 (9) Holidays/vacations only
 (10) No contact
 (11) Other; describe _____

30. How satisfied are you with your current shared parenting or visiting plan?

Very dissatisfied	Somewhat dissatisfied	In between	Somewhat satisfied	Very satisfied
1	2	3	4	5

31. How satisfied do you think your (former) spouse is with your current shared parenting or visiting plan?

Very dissatisfied	Somewhat dissatisfied	In between	Somewhat satisfied	Very satisfied
1	2	3	4	5

32. Do you have any desire to change the current custody or visiting situation?

Yes	No	Not sure
1	2	3

33. How well do you think you and your (former) spouse are cooperating regarding the children now?

Not at all	Very little	Somewhat	Reasonably well	Very well
1	2	3	4	5

34. How much disagreement have you had with your (former) spouse since the separation agreement on the following issues?

	<u>None</u>	<u>Little</u>	<u>Some</u>	<u>Consid.</u>	<u>Extreme</u>
a. Child support	1	2	3	4	5
b. Custody of child(ren)	1	2	3	4	5
c. Child visiting or co-parenting arrangements	1	2	3	4	5
d. Child rearing practices	1	2	3	4	5

The next fourteen questions ask about your feelings and interactions with your (former) spouse as a parent.

35. My (former) spouse is an irresponsible parent.

Always	Often	Sometimes	Rarely	Never
1	2	3	4	5

36. My (former) spouse is a caring parent.

Always	Often	Sometimes	Rarely	Never
1	2	3	4	5

37. My (former) spouse is an incompetent parent.

Always	Often	Sometimes	Rarely	Never
1	2	3	4	5

38. My (former) spouse is a good parent to the children.

Always	Often	Sometimes	Rarely	Never
1	2	3	4	5

39. When you and your (former) spouse discuss parenting issues how often does an argument result?

Always	Often	Sometimes	Rarely	Never
1	2	3	4	5

40. How often is the underlying atmosphere one of hostility or anger?

Always	Often	Sometimes	Rarely	Never
1	2	3	4	5

41. How often is the conversation stressful or tense?

Always	Often	Sometimes	Rarely	Never
1	2	3	4	5

42. Do you and your (former) spouse have basic differences of opinion about issues related to child rearing?

Always	Often	Sometimes	Rarely	Never
1	2	3	4	5

43. If your (former) spouse has needed to make a change in visiting arrangements, do you go out of your way to accommodate?

Always	Often	Sometimes	Rarely	Never
1	2	3	4	5

44. Does your (former) spouse go out of the way to accommodate any changes you need to make?

Always	Often	Sometimes	Rarely	Never
1	2	3	4	5

45. Do you feel that your (former) spouse understands and is supportive of your special needs as a custodial (or non-custodial) parent?

Always	Often	Sometimes	Rarely	Never
1	2	3	4	5

46. When you need help regarding the children, do you seek it from your (former) spouse?

Always	Often	Sometimes	Rarely	Never
1	2	3	4	5

47. Would you say that your (former) spouse is a resource to you in raising the children?

Always	Often	Sometimes	Rarely	Never
1	2	3	4	5

48. Would you say that you are a resource to your (former) spouse in raising the children?

Always	Often	Sometimes	Rarely	Never
1	2	3	4	5

-
49. Have you talked with your child(ren) about their visiting or custody situation in the past six months?

Not at all	Very little	Somewhat	Considerably	A great deal
1	2	3	4	5

- | | | | | |
|---------------------|---|---|---|---|
| i. Medical expenses | 1 | 2 | 3 | 0 |
| j. Debt payments | 1 | 2 | 3 | 0 |
| k. Other (_____) | 1 | 2 | 3 | 0 |

If you answered "Partially" or "No" to any of the above, please explain.

55. Since your separation agreement became final, has there been legal action or litigation in any of the following areas?

- | | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| a. Spousal support | _____ | _____ |
| b. Child support | _____ | _____ |
| c. Custody or visitation | _____ | _____ |
| d. Family residence | _____ | _____ |
| e. Division of personal property and furnishings | _____ | _____ |
| f. Division of other community property or assets | _____ | _____ |
| g. Pensions | _____ | _____ |
| h. Life insurance | _____ | _____ |
| i. Medical expenses | _____ | _____ |
| j. Debt payments | _____ | _____ |
| k. Other (_____) | _____ | _____ |

56. If you answered "Yes" to any of the above, who initiated the legal action?

- (1) _____ You (2) _____ Former spouse

For what reason? _____

57. Did your separation process lead to any of the following for you?
(Check all that apply)

- a. A reasonable cost for obtaining the separation agreement
- b. Custody/visitation arrangements that were good for me and the children
- c. Reduced or avoided hostility between me and my spouse
- d. A reasonable amount of time to get a separation agreement
- e. A good support agreement
- f. A reasonable amount of contact with lawyers/mediators and court proceedings
- g. An overall agreement satisfactory to both me and my spouse
- h. A fair property division agreement
- i. A feeling of personal control over my separation agreement
- j. A change in my spouse's viewpoints or positions
- k. Improved communication with my spouse
- l. Avoidance of disclosure of assets or other aspects of our personal lives publically
- m. A continuing friendly relationship with my spouse
- n. Other (Specify: _____)

58. Referring back to the list in question 57, which result was most important?
(indicate the letter of the most important result) _____

59. Again referring back to the list in question 57, give here the letter of the second most important result: _____

Please circle the number which best reflects your views about your separation process.

60. My spouse and I had just about equal influence over the terms of our separation agreement.

Very strongly disagree	Strongly disagree	Disagree somewhat	Uncertain	Agree somewhat	Strongly agree	Very strongly agree
1	2	3	4	5	6	7

61. I am not at all satisfied with the property agreement I reached with my spouse.

Very strongly disagree	Strongly disagree	Disagree somewhat	Uncertain	Agree somewhat	Strongly agree	Very strongly agree
1	2	3	4	5	6	7

62. I felt that the spousal support agreement we reached was fair to me.

Very strongly disagree	Strongly disagree	Disagree somewhat	Uncertain	Agree somewhat	Strongly agree	Very strongly agree
1	2	3	4	5	6	7

63. I would be totally comfortable with my spouse's separation settlement if I had received it instead of my own.

Very strongly disagree	Strongly disagree	Disagree somewhat	Uncertain	Agree somewhat	Strongly agree	Very strongly agree
1	2	3	4	5	6	7

64. I am afraid that my spouse will not live up to all aspects of our separation agreement.

Very strongly disagree	Strongly disagree	Disagree somewhat	Uncertain	Agree somewhat	Strongly agree	Very strongly agree
1	2	3	4	5	6	7

65. I feel that I would have reached a more favorable settlement by using a different separation method.

Very strongly disagree	Strongly disagree	Disagree somewhat	Uncertain	Agree somewhat	Strongly agree	Very strongly agree
1	2	3	4	5	6	7

66. I feel that the custody/visitation arrangements we negotiated will be best for everyone in the family.

Very strongly disagree	Strongly disagree	Disagree somewhat	Uncertain	Agree somewhat	Strongly agree	Very strongly agree
1	2	3	4	5	6	7

67. I feel that the child support agreement we negotiated is not adequate for our children.

Very strongly disagree	Strongly disagree	Disagree somewhat	Uncertain	Agree somewhat	Strongly agree	Very strongly agree
1	2	3	4	5	6	7

68. The mediators/lawyers seemed quite impartial when it came to resolving differences between me and my spouse.

Very strongly disagree	Strongly disagree	Disagree somewhat	Uncertain	Agree somewhat	Strongly agree	Very strongly agree
1	2	3	4	5	6	7

69. The mediators/lawyers helped me and my spouse to become more reasonable with each other.

Very strongly disagree	Strongly disagree	Disagree somewhat	Uncertain	Agree somewhat	Strongly agree	Very strongly agree
1	2	3	4	5	6	7

70. I felt that our case was handled in a highly skilled manner by the mediators/lawyers.

Very strongly disagree	Strongly disagree	Disagree somewhat	Uncertain	Agree somewhat	Strongly agree	Very strongly agree
1	2	3	4	5	6	7

71. Mediators'/lawyers' fees were unreasonably high.

Very strongly disagree	Strongly disagree	Disagree somewhat	Uncertain	Agree somewhat	Strongly agree	Very strongly agree
1	2	3	4	5	6	7

72. Participation in this process has helped me to assume greater responsibility in managing my personal affairs.

Very strongly disagree	Strongly disagree	Disagree somewhat	Uncertain	Agree somewhat	Strongly agree	Very strongly agree
1	2	3	4	5	6	7

73. I now believe that I can resolve any future disagreement with my spouse without "outside" help.

Very strongly disagree	Strongly disagree	disagree somewhat	Uncertain	Agree somewhat	Strongly agree	Very strongly agree
1	2	3	4	5	6	7

74. The next page asks you to fill in the answer that best describes How You Have Been Feeling During the Past Week Including Today. Please consider it to be in relation to your separation and former spouse.

Appendix D

Profile of Mood States Questionnaire

Appendix E
Client Assessment of Mediation Services
Subscale Groupings

Appendix E

Client Assessment of Mediation ServicesSubscale Groupings

1. <u>Relationship with/and Feelings Toward Spouse</u>			
1	8 r	19	24
2 r	15	20 r	25 r
3	16	21	26
4	17 r	22	
7 r	18	23 r	
2. <u>Psychological Stress</u>			
9 r	10 r	11 r	12
3. <u>Willingness to Recommend</u>			
14			
4. <u>Satisfaction with the Separation Agreement</u>			
5 r	61 r	63	67 r
6	62	64 r	
5. <u>Involvement with Children/Interaction as Parents</u>			
27	36 r	41	46 r
28	37	42	47 r
33	38 r	43 r	48 r
34 (a-d) r	39	44 r	51
35	40	45 r	52 r
6. <u>Satisfaction with Custody/Visitation</u>			
30	32	66	

Appendix F
Profile of Mood States
Subscale Groupings

Appendix F
Profile of Mood States Subscale Groupings

1. <u>Tension/Anxiety</u>			
2 r	20 r	26 r	34 r
10 r	22	27 r	41 r
16 r			
2. <u>Depression/Dejection</u>			
5 r	21 r	36 r	58 r
9 r	23 r	44 r	61 r
14 r	32 r	45 r	62 r
3. <u>Anger/Hostility</u>			
3 r	24 r	39 r	52 r
12 r	31 r	42 r	53 r
17 r	33 r	47 r	57 r
4. <u>Vigor/Activity</u>			
7	19	51	60
15	38	56	63
5. <u>Fatigue/Inertia</u>			
4 r	29 r	46 r	65 r
11 r	40 r	49 r	
6. <u>Confusion/Bewilderment</u>			
6	28 r	50 r	59 r
8 r	37 r	54	64 r
7. <u>Compliance</u>			
54 (a-k) r			
8. <u>Relitigation</u>			
55 (a-k)			
9. <u>Satisfaction with the Mediator/Lawyer and the Process</u>			
13	68	70	72
60	69	71 r	73
65 r			

(r = reverse number value for negatively worded question)

Appendix G

Results of the Separation Process

Appendix G

Results of the Separation Process

Did the separation process lead to any of the following for you:

a.) a reasonable cost for obtaining the separation agreement?

Med. Women	Med. Men	Adver. Women	Adver. Men
78%	58%	20%	33%

b.) custody/visitation arrangements that were good for you and the children?

Med. Women	Med. Men	Adver. Women	Adver. Men
56%	67%	53%	33%

c.) reduced or avoided hostility between you and your spouse?

Med. Women	Med. Men	Adver. Women	Adver. Men
56%	83%	20%	22%

d.) a reasonable amount of time to get a separation agreement?

Med. Women	Med. Men	Adver. Women	Adver. Men
56%	50%	7%	44%

e.) a good support payment?

Med. Women	Med. Men	Adver. Women	Adver. Men
56%	50%	20%	22%

f.) a reasonable amount of contact with lawyers/mediators and court proceedings?

Med. Women	Med. Men	Adver. Women	Adver. Men
67%	58%	20%	11%

g.) an overall agreement satisfactory to both you and your spouse?

Med. Women	Med. Men	Adver. Women	Adver. Men
89%	67%	47%	33%

Appendix G
Results of the Separation Process (cont.)

Did the separation process lead to any of the following for you:

h.) a fair property division agreement?

Med. Women	Med. Men	Adver. Women	Adver. Men
78%	75%	47%	22%

i.) a feeling of personal control over your separation agreement?

Med. Women	Med. Men	Adver. Women	Adver. Men
89%	58%	33%	33%

j.) a change in your spouse's viewpoint or position?

Med. Women	Med. Men	Adver. Women	Adver. Men
11%	25%	7%	11%

k.) improved communication with your spouse?

Med. Women	Med. Men	Adver. Women	Adver. Men
33%	17%	7%	11%

l.) avoidance of disclosure of assets or other aspects of your personal lives publically?

Med. Women	Med. Men	Adver. Women	Adver. Men
22%	42%	13%	11%

m.) a continuing friendly relationship with your spouse?

Med. Women	Med. Men	Adver. Women	Adver. Men
22%	42%	20%	22%

VITA

Surname: Leibel

Given Names: Linda S.

Date of Birth: March 21, 1949

Place of Birth: Port Alberni, B.C.

Educational Institutions Attended, with Dates of Entering and Leaving:

NORTHWEST COLLEGE, TERRACE, B.C. 1975 TO 1977

UNIVERSITY OF VICTORIA, B.C. 1976 TO 1989

Degrees and Diplomas awarded with Dates and Names of Institutions:

Certification in Education	1978	University of Victoria, B.C.
-------------------------------	------	------------------------------


B. Ed. Elem.	1986	University of Victoria, B.C.
--------------	------	------------------------------

PARTIAL COPYRIGHT LICENSE

I hereby grant the right to lend my thesis (the title of which is shown below) to users of the University of Victoria Library, and to make single copies only for such users or in response to a request from the Library of any other university, or similar institution, on its behalf or for one of its users. I further agree that permission for extensive copying of this thesis for scholarly purposes may be granted by me or a member of the University designated by me. It is understood that copying or publication of this thesis for financial gain shall not be allowed without my written permission.

Title of Thesis: COMPARISON OF CLIENT SATISFACTION WITH
MEDIATED AND ADVERSARIAL DIVORCE.

Author


LINDA S. LEIBEL

August 12, 1989

National Library
of Canada

Bibliothèque nationale
du Canada

Canadian Theses Service Service des thèses canadiennes

Ottawa, Canada
K1A 0N4

The author has granted an irrevocable non-exclusive licence allowing the National Library of Canada to reproduce, loan, distribute or sell copies of his/her thesis by any means and in any form or format, making this thesis available to interested persons.

The author retains ownership of the copyright in his/her thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without his/her permission.

L'auteur a accordé une licence irrévocable et non exclusive permettant à la Bibliothèque nationale du Canada de reproduire, prêter, distribuer ou vendre des copies de sa thèse de quelque manière et sous quelque forme que ce soit pour mettre des exemplaires de cette thèse à la disposition des personnes intéressées.

L'auteur conserve la propriété du droit d'auteur qui protège sa thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.

ISBN 0-315-53753-1