

Table 2. Comparison of Reported Frequency and Helpfulness of Mediator Activities

percentages of reported actual frequency of activities in mediation in more than half the cases and activities that respondents say would be helpful in more than half the cases

Mediator Activity	Mediator		Lawyer		
	Actual (N=53-54)	Helpful (N=35-37)	Actual (N=57-58)	Helpful - P (N=23)	Helpful - D (N=16)
Spent a substantial amount of time discussing the parties' underlying interests (i.e., not merely saving time and money or settling the case)	67	78	52	83	81
Suggest possible ways to resolve issues	70	70	66	78	94
Ask pointed questions that raise issues	76	83	61	96	100
Give analysis of case, including strengths and weaknesses	46	31	50	83	75
Recommend a specific solution for settlement	24	19	50	48	63
Make predictions about likely court results	17	11	40	61	44
Apply some pressure to accept a specific solution	10	6	38	52	50

There is some difference in the set of respondents included in the “actual” and “helpful” columns. Responses in the “actual” columns are from respondents describing cases in which they mediated or represented parties in 2017. The “helpful” columns refer to the roles that respondents said that they most often had in mediations in 2017. The number of respondents in the “actual” columns is larger than in the “helpful” columns. This is probably due to the fact that some respondents participated in different cases as a lawyer and a mediator and would be included in both groups describing activities in “actual” cases. For the data about what would be helpful, respondents were included in only one group based on the role they had most often in mediation. Given these differences in the sub-samples and the small sub-sample sizes, the comparisons should be interpreted cautiously. Moreover, since statistical significance tests were not conducted, small reported differences may not reflect actual differences. With these cautions in mind, the comparisons seem intriguing and worth pursuing in future research.

Linked from [“Stone Soup: Takeaways From New Hampshire Mediation Training”](#)