

Table 3. Comparison of New Hampshire and ABA Data About Helpfulness of Mediator Activities

percentages of respondents who think the activity by the mediator would be helpful in more than half of their cases regardless of how often it has happened in their cases in the past

Mediator Activity	New Hampshire			ABA	
	Mediator (N=35-37)	Plaintiff Lawyer (N=23)	Defense Lawyer (N=16)	Mediator (N=44-48)	Med. User (N=53-56)
Spent a substantial amount of time discussing the parties' underlying interests (i.e., not merely saving time and money or settling the case)	78	83	81	Not asked	Not asked
Suggest possible ways to resolve issues	70	78	94	79	100
Ask pointed questions that raise issues	83	96	100	87	86
Give analysis of case, including strengths and weaknesses	31	83	75	52	80
Recommend a specific solution for settlement	19	48	63	18	75
Make predictions about likely court results	11	61	44	21	45
Apply some pressure to accept a specific solution	6	52	50	23	64

As in Table 2, the New Hampshire respondents were categorized based on the role in mediations that they had most often in 2017. Similarly, in the ABA data, respondents were categorized by role they had most often in mediation, though this was not limited to any time period. The “mediation users” primarily were lawyers representing clients.

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