

## Telephonic Mediation

Much of what we teach in negotiation and mediation classes is based on the assumption that the parties and the mediator will be meeting face-to-face. Traditional pedagogy seems to take for granted that parties will always be physically present at some 'mediation session.' Dispute resolution scholarship strongly promotes the idea that the clients are present at the mediation and we regularly use terms such as 'in the room' or 'at the table' to describe both the facts and feelings of the mediation. In reality, mediators use telephone contact, often primarily or exclusively, to conduct many mediations. This paper proposes a study of telephonic mediation performed by the 7th Circuit federal mediators in order to assess the impact of the telephone on the mediation. Federal mediators will fill out pre-mediation and post-mediation questionnaires designed to examine how mediators decide to use the telephone or meet in person; and then a variety of outcome questions including whether the case resolved; length of time to resolution; party satisfaction with mediation; etc. Cases will also be compared across district, type of case, and length of mediation. My goal is that the 7<sup>th</sup> Circuit mediation study serves as a pilot study for the rest of the federal circuits.