

**Wisconsin Special Education Mediation System
Attorney Survey Report
2000 - 2008
(n= 83)**

1. Role of the Attorney

(n= 82; this item not completed on 1 survey))

	%	n
Attorney for parent(s)	46.3	38
Attorney for district	52.4	43
Other	1.2	1

2. The number of special education mediation cases the attorney has participated in the past.

(n= 72; this item not completed on 11 surveys)

Average number of mediation cases = 10.2

3. The number of mediations of any type participated in the past.

(n=71; this item not completed on 12 surveys)

Average number of mediations = 20.06

4. The number of sessions participated in for this case.

(n=81; this item not completed on 2 surveys)

Average number of sessions = 1.28 sessions

5. Primary role for this case

(n=83)

	%	n
Active participant	73.5	61
Adviser	25.3	21
Other	1.2	1

Mediation Process: the following statements address the attorneys' perception of the process of mediation

1. The attorney believed that their clients understood mediation. (n=83)

	%	n
Strongly agree	65.1	54
Agree	32.5	27
Slightly agree	1.2	1
No opinion	0	0
Slightly disagree	0	0
Disagree	1.2	1
Strongly disagree	0	0

Note: 98.8% of the attorneys believed that their clients understood the mediation process.

2. The attorney believed it is important for their client to be a part of the decision making process. (n=83)

	%	n
Strongly agree	91.6	76
Agree	7.2	6
Slightly agree	0	0
No opinion	1.2	1
Slightly disagree	0	0
Disagree	0	0
Strongly Disagree	0	0

Note: 98.8% of the attorneys believed it is important for their client to be a part of the decision making process.

3. The attorney believed that the clients were given an opportunity to be a part of the decision making process. (n=83)

	%	n
Strongly agree	70.7	58
Agree	19.5	16
Slightly agree	6.1	5
No opinion	2.4	2
Slightly disagree	1.2	0
Disagree	0	0
Strongly Disagree	0	0

Note: 96.3% of the attorneys believed that their clients were given an opportunity to be a part of the decision making process.

4. The attorney believed that the dispute was resolved to the clients' satisfaction.

(n=83)

	%	n
Strongly agree	39	32
Agree	35.4	29
Slightly agree	7.3	6
No opinion	4.9	4
Slightly disagree	3.7	3
Disagree	7.3	6
Strongly Disagree	2.4	2

Note: 81.7% of the attorneys believed that the dispute was resolved to their clients' satisfaction.

6. The attorney was satisfied with the mediation.

(n=83)

	%	n
Strongly agree	56.6	47
Agree	31.3	26
Slightly agree	2.4	2
No opinion	1.2	1
Slightly disagree	3.6	3
Disagree	2.4	2
Strongly Disagree	2.4	2

Note: 90.4% of the attorneys were satisfied with mediation.

7. The attorney would encourage future clients to participate in mediation.

(n=83)

	%	n
Strongly agree	73.5	61
Agree	24.1	20
Slightly agree	0	0
No opinion	1.2	1
Slightly disagree	0	0
Disagree	0	0
Strongly Disagree	1.2	1

Note: 97.6% of the attorneys would encourage future clients to participate in mediation.

About the Mediator: the following statements address the attorneys' perception of the mediator.

1. The attorneys believed that it is important for the mediator to be knowledgeable in special education. (n=83)

	%	n
Strongly agree	79.5	66
Agree	18.1	15
Slightly agree	2.4	2
No opinion	0	0
Slightly disagree	0	0
Disagree	0	0
Strongly Disagree	0	0

Note: 100% of the attorneys that it is important for the mediator to be knowledgeable in special education.

2. The attorney believed that the mediator knew a lot about special education. (n=83)

	%	n
Strongly agree	61.4	51
Agree	28.9	24
Slightly agree	2.4	2
No opinion	4.8	4
Slightly disagree	2.4	2
Disagree	0	0
Strongly Disagree	0	0

Note: 92.8% of the attorneys believed that the mediator knew a lot about mediation.

3. The attorney believed that the mediator explained the process thoroughly. (n=83)

	%	n
Strongly agree	63.9	53
Agree	26.5	22
Slightly agree	4.8	4
No opinion	1.2	1
Slightly disagree	1.2	1
Disagree	1.2	1
Strongly Disagree	1.2	1

Note: 95.2% of the attorneys believed that the mediator explained the process thoroughly.

**4. The attorney believed that the mediator was neutral.
(n=83)**

	%	n
Strongly agree	68.7	57
Agree	19.3	16
Slightly agree	0	0
No opinion	3.6	3
Slightly disagree	2.4	2
Disagree	2.4	2
Strongly Disagree	3.6	3

Note: 88% of the attorneys believed that the mediator was neutral.

**5. The attorney believed that the mediator was respectful to all parties.
(n=83)**

	%	n
Strongly agree	80.7	67
Agree	13.3	11
Slightly agree	1.2	1
No opinion	1.2	1
Slightly disagree	1.2	1
Disagree	0	0
Strongly Disagree	2.4	2

Note: 95.2% of the attorneys believed that the mediator was respectful to all parties.

**6. The attorney believed that the mediator pressured the client.
(n=83)**

	%	n
Strongly agree	4.8	4
Agree	3.6	3
Slightly agree	8.4	7
No opinion	0	0
Slightly disagree	3.6	3
Disagree	26.5	22
Strongly Disagree	53	44

Note: 16.9% of the attorneys believed that the mediator pressured the client

**7. The attorney believed that the mediator created a comfortable environment.
(n=83)**

	%	n
Strongly agree	57.8	48
Agree	30.1	25
Slightly agree	6	5
No opinion	0	0
Slightly disagree	4.8	4
Disagree	0	0
Strongly Disagree	1.2	1

Note: 94% of the attorneys believed that the mediator created a comfortable environment.

**8. The attorneys believed that the mediator used time adequately.
(n=83)**

	%	n
Strongly agree	53	44
Agree	26.5	22
Slightly agree	10.8	9
No opinion	1.2	1
Slightly disagree	6	5
Disagree	0	0
Strongly Disagree	2.4	2

Note: 90.4% of the attorneys believed that the mediator used time adequately.

**9. The attorney believed that the mediator was organized.
(n=83)**

	%	n
Strongly agree	50.6	42
Agree	32.5	27
Slightly agree	9.6	8
No opinion	1.2	1
Slightly disagree	3.6	3
Disagree	0	0
Strongly Disagree	2.4	2

Note: 92.8% of the attorneys believed that the mediator was organized.

**10. The attorney believed that the mediator kept the meeting focused.
(n=83)**

	%	n
Strongly agree	50.6	42
Agree	28.9	24
Slightly agree	8.4	7
No opinion	0	0
Slightly disagree	6	5
Disagree	2.4	2
Strongly Disagree	3.6	3

Note: 87.9% of the attorneys believed that the mediator kept the meeting focused.

**11. The attorney would use the mediator again.
(n=82; this item not completed on 1 survey)**

	%	n
Strongly agree	68.3	56
Agree	18.3	15
Slightly agree	4.9	4
No opinion	2.4	2
Slightly disagree	1.2	1
Disagree	1.2	1
Strongly Disagree	3.7	3

Note: 91.5% of the attorneys would use the mediator again.

About the Agreement: the following statements address the attorneys' perception about the agreement that was reached.

NOTE: The following items were only completed if an agreement WAS signed.

1. The attorney believed that the client was satisfied with the agreement.

(n=56; this item not completed on 27 surveys)

	%	n
Strongly agree	46.4	26
Agree	41.1	23
Slightly agree	8.9	5
No opinion	0	0
Slightly disagree	3.6	2
Disagree	0	0
Strongly Disagree	0	0

Note: 96.4% of the attorneys believed that their client was satisfied with the agreement.

2. The attorney believed that the agreement will solve the problem.

(n=61; this item not completed on 22 surveys)

	%	n
Strongly agree	42.6	26
Agree	37.7	23
Slightly agree	11.5	7
No opinion	0	0
Slightly disagree	3.3	2
Disagree	4.9	3
Strongly Disagree	0	0

Note: 91.8% of the attorneys believed that the agreement will solve the problem.

3. The attorney believed that the other parties will follow through with the agreement.

(n=60; this item not completed on 23 surveys)

	%	n
Strongly agree	45	27
Agree	35	21
Slightly agree	10	6
No opinion	8.3	5
Slightly disagree	0	0

Disagree	1.7	1
Strongly Disagree	0	0

Note: 90% of the attorneys believed that the other parties will follow through with the agreement.

4. The attorney believed that the outcome was better than the client expected.

(n=61; this item not completed on 22 surveys)

	%	n
Strongly agree	27.9	17
Agree	21.3	13
Slightly agree	27.9	17
No opinion	8.2	5
Slightly disagree	8.2	5
Disagree	6.6	4
Strongly Disagree	0	0

Note: 77% of the attorneys believed that the outcome was better than the client expected.

5. The attorney believed that the outcome was better than the probable outcome of a due process hearing.

(n=61; this item not completed on 22 surveys)

	%	n
Strongly agree	36.1	22
Agree	29.5	18
Slightly agree	14.8	9
No opinion	6.6	4
Slightly disagree	6.6	4
Disagree	3.3	2
Strongly Disagree	3.3	2

Note: 80.3% of the attorneys believed that the outcome was better than the probable outcome of a due process hearing.

Agreement not Reached: the following statements address the attorneys' perception if an agreement was NOT reached.

**1. The attorney believed the mediator was effective.
(n=28; this item not completed on 55 surveys)**

	%	n
Strongly agree	28.6	8
Agree	21.4	6
Slightly agree	3.6	1
No opinion	10.7	3
Slightly disagree	3.6	1
Disagree	7.1	2
Strongly Disagree	25	7

Note: 53.6% of the attorneys believed that the mediator was effective

**2. The attorney believed that other parties were unwilling to negotiate
(n=18; this item not completed on 65 surveys)**

	%	n
Strongly agree	16.7	3
Agree	27.8	5
Slightly agree	0	0
No opinion	0	0
Slightly disagree	0	0
Disagree	38.9	7
Strongly Disagree	16.7	3

Note: 44.4% of the attorneys believed that the other parties were unwilling to negotiate

**3. The attorney believed that the clients felt pressured to make a decision
(n=18; this item not completed on 65 surveys)**

	%	n
Strongly agree	0	0
Agree	0	0
Slightly agree	5.6	1
No opinion	5.6	1
Slightly disagree	5.6	1
Disagree	50	9
Strongly Disagree	33.3	6

Note: 5.6% of the attorneys believed that their clients felt pressured to make a decision.

4. The attorney believed that their clients' viewpoint was not respected.

(n=18; this item not completed on 65 surveys)

	%	n
Strongly agree	5.6	1
Agree	11.1	2
Slightly agree	5.6	1
No opinion	0	0
Slightly disagree	16.7	3
Disagree	33.3	6
Strongly Disagree	27.8	5

Note: 22.2% of the attorneys believed that their clients' viewpoint was not respected

5. The attorney believed that others would not follow through with agreement

(n=18; this item not completed on 65 surveys)

	%	n
Strongly agree	5.6	1
Agree	11.1	2
Slightly agree	5.6	1
No opinion	22.2	4
Slightly disagree	11.1	2
Disagree	33.3	6
Strongly Disagree	11.1	2

Note: 22.2% of the attorneys believed that others would not follow through with the agreement

6. The attorney believed that the parties could not agree.

(n=18; this item not completed on 65 surveys)

	%	n
Strongly agree	33.3	6
Agree	16.7	3
Slightly agree	0	0
No opinion	5.6	1
Slightly disagree	0	0
Disagree	33.3	6
Strongly Disagree	11.1	2

Note: 50% of attorneys believed that the parties could not agree.

**7. The attorney would advise the client to take legal action.
(n=18; this item not completed on 65 surveys)**

	%	n
Strongly agree	11.1	2
Agree	16.7	3
Slightly agree	5.6	1
No opinion	16.7	3
Slightly disagree	0	0
Disagree	27.8	5
Strongly Disagree	22.2	4

Note: 33.3% of attorneys will advise their client to take legal action.

**8. The attorney believed that the client was unwilling to negotiate a resolution.
(n=17; this item not completed on 66 surveys)**

	%	n
Strongly agree	0	0
Agree	0	0
Slightly agree	0	0
No opinion	5.9	1
Slightly disagree	5.9	1
Disagree	41.2	7
Strongly Disagree	47.1	8

Note: 0% of attorneys believed that their client was unwilling negotiate a resolution.