

Qualities and Long-Term Effects of Mediation

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The full research report, including all results and a detailed description of procedures and research methods, as well as additional information and data sets, are available from the first author.

This article summarizes our considerations and results from various German publications in an updated form in English

Abstract

To clarify the long-term effects and sustainability of mediation, we reviewed approaches and findings from mediation research, psychology, and counseling and therapy research. On this basis, we have developed a hypothetical model of mediation qualities that we tested in a prospective longitudinal study. To this end, we examined the long-term effectiveness of mediation in 303 escalated civil disputes of very different nature. We report main findings that indicate there are long-term effects of antecedent *structural qualities* such as mediator qualifications and personality traits of the participants, as well as conflict issues, but also *process qualities* such as conduct of negotiations, explanation of all concerns and issues, and honesty of participants. *Outcome qualities* of the agreement also had long-term effects on contract compliance, time and cost savings, long-term fairness, relationship and quality of life, satisfaction and conflict competence, and parties' attitudes toward mediation. Reflections on further research, practice and training follow.

Keywords: Negotiation research, mediation psychology, long-term outcomes, effectivity factors; prospective longitudinal study, follow-up evaluation, quality control

Zusammenfassung

Um die langfristigen Wirkungen und die Nachhaltigkeit von Mediation zu klären, haben wir Ansätze und Erkenntnisse aus der Mediationsforschung, der Psychologie und der Beratungs- und Therapieforschung ausgewertet. Auf dieser Grundlage haben wir ein hypothetisches Modell von Mediationsqualitäten entwickelt, das wir in einer prospektiven Längsschnittstudie getestet haben. Dazu untersuchten wir die langfristige Wirksamkeit von Mediation in 303 eskalierten zivilrechtlichen Streitigkeiten sehr unterschiedlicher Art. Unsere Hauptergebnisse deuten darauf hin, dass es langfristige Auswirkungen von antezedenten *Strukturqualitäten* wie der Qualifikation

des Mediators und den Persönlichkeitsmerkmalen der Teilnehmer sowie von Konfliktthemen, aber auch von *Prozessqualitäten* wie der Verhandlungsführung, der Erörterung aller Anliegen und Probleme und der Ehrlichkeit der Teilnehmer gibt. *Ergebnisqualitäten* der Vereinbarung hatten auch langfristige Auswirkungen auf Vertragstreue, Zeit- und Kosteneinsparung, Langzeitgerechtigkeit, Beziehungs- und Lebensqualität, Zufriedenheit und Konfliktkompetenz sowie die Einstellung der Parteien zur Mediation. Es folgen Überlegungen zur weiteren Forschung, Praxis und Ausbildung

Stichworte: Verhandlungsforschung, Mediationspsychologie, Langzeiteffekte, Wirkfaktoren; prospektive Längsschnittstudie, Follow-up-Evaluation, Qualitätssicherung.

Introduction

A mediation process is usually considered successful when it is concluded with an agreement. It remains questionable how completely and differentiatedly the existing problems have been worked through and how fair, satisfactory and workable the negotiated arrangements are. How well and for how long the agreements are adhered to, how satisfied the participants are with them and whether their relationship, well-being, quality of life and ability to deal with conflict have improved can only be seen after a longer period of time. However, we still know too little about these long-term effects and how they come about. To date, an empirically validated coherent psychological theory of mediation that also incorporates the full breadth of approaches and findings from psychological research in detail is rudimentary (Bickerdike & Littlefield, 2010; Donohue et al., 2016; Druckman & Herrman et al., 2017; Kalter et al., 2018; Kaiser, 2018; McNeece & Thyer, 2004; Wall, 2017; Wissler, 2017). Although mediation is a professional counseling process, approaches and findings from counseling and therapy research are underreported (for example, Norcross & Wampold, 2019; see below). We therefore used relevant approaches and findings from these disciplines to formulate a hypothetical model of mediation qualities. We were able to test this model for the first time in a longitudinal study.

This article summarizes our considerations and results, which were previously only available in German, in an updated form in English. For reasons of space, we limit ourselves here to a brief literature review and main findings from our study regarding the relationships essential to the *long-term* success of mediation processes.

Influences on the Long-Term Success of Mediation

As several evaluation studies have shown, not all mediation agreements lead to lasting success. In a two-year follow-up with highly contentious couples, Johnston et al. (1985) found a significant reduction in parental conflict and hostility in 45%, no improvement in 40%, and deterioration in 15%. Unfavorable personality traits, parental disputes, and extended family influences reduced the likelihood of success. In their longitudinal study, Pruitt et al. (1993) studied 73 mediations that were recorded and analyzed. In addition, participants were interviewed immediately

after mediation and 4 to 8 months later. There was no relationship between the quality of the settlement and long-term effects such as compliance, improvement in relationships, and avoidance of new problems. In contrast, correlations were found between the fairness of the process, handling of all problems, and long-term success. Benjamin and Irving (1995), in their research review of 51 studies on family mediation, report that 22% of the parties reconciled. This was accompanied by substantial positive changes in parental cooperation, as evidenced by child satisfaction, parent-child relationships, and more appropriate child behavior when the out-of-home parent visited. For these effects, communication competence and willingness to cooperate of the parties and especially the communicative competence of the mediator were important to help the parties to understand their own and the other party's feelings (see also Donohue et al., 1989). Kelly (2004) found similar results in their research review of nine studies in family mediation in public and private sectors, in voluntary and mandatory services, and at different stages of the conflicts described. Using various methodologies, measures, and larger samples, mediation led to settlements in custody and access disputes, divorce conflicts, and child protection conflicts. Settlement rates generally ranged between 50 and 90%. In follow-up interviews, 40-60% expressed satisfaction, found the negotiations and outcomes fair, felt heard, respected, given a chance to say what is important, not pressured to reach settlements, helped to cooperate as parents, and felt their agreements would be good for their children. In the reported *California Divorce and Mediation Project* 76% of women and 62% of the men indicated that mediation helped them to interact better with each other. 15 to 20% were *dissatisfied* with both the process and the outcomes, 13% felt pressured by the mediator. Men were more likely to feel that women had an unfair advantage in mediation. 51% of parties who did *not* reach agreements reported that mediator recommendation, judicial settlement, or custody evaluation had a *negative* effect on their relationship (Kelly, 2004). On the other hand, U.S. Department of Health and Human Services (2002) found in studies with 125 parents in five states, 74% of parties who reached settlement and 59% who did *not*, would recommend mediation. Some studies showed that 40-65% of the parties had made mutually agreed upon changes to the agreements. Greater satisfaction was associated with more accurate compliance with agreements. 12 years following divorce, fathers in mediation remained more involved with their children compared to the litigation fathers. Successes also were possible with angry clients and those with mental disorders and family problems, *if* the mediators were sufficiently *experienced* and well *trained*. At the same time, psychosocial functioning itself did not noticeably improve. Risks for negotiation success were distrust and a lack of fairmindedness, anger and dissatisfaction with any divorce process and outcome, and more rushed or coercive mediation process by *untrained* or *inept* mediators (see also Bickerdike & Littlefield, 2010). Some highconflict clients need more intensive *therapeutic* mediation with integrated individual and group sessions with counseling, parenting coordination, and education training (Cowan et al., 2019; Kelly, 2004; Kline-Pruett & Johnston, 2004).

Kline-Pruett and Johnston (2004) found long-term reductions in hostility and conflict in their study of divorce mediation. In 15% of the cases, conditions worsened after some time, as did the well-being of some children who were initially symptom-free after the intervention. In the authors' opinion, longer psychological support, which could also be legally secured, would have been necessary here. In a long-term study over 12 years, Sbarra and Emery (2010)

identified significantly more rejection of the termination of their marriage among mediation clients than among people who had gone through litigation. Fathers reported less parental conflict and greater nonacceptance of the separation than mothers. On the one hand, this indicates that the attachment relationship often continues after a separation. In such cases, a mediation agreement runs counter to the *basic need for bonding*, which is anchored in the brain structures as a neuropsychic schema (Epstein, 2003; Grawe, 2004; Cowan et al., 2019; see below). Thus, those affected should not be left alone and, if necessary, should receive (further) psychological support. At the same time, the limitations of such mediation agreements, in which no *follow-up mediation* is stipulated, become apparent when new need for settlement arises after some time due to unforeseeable circumstances.

In the study of Poitras and Le Tareau (2009) with 207 employees and employers involved in workplace disputes mediated by 17 mediators, 74% of the participants reached an agreement. Respondents rated the extent of five dimensions, 1) *mediator's usefulness* (average of 4.90 of 6 points), 2) the *procedural justice* (average of 5.10 of 6), 3) *satisfaction with the agreement* reached (an average of 4.29 of 6), and 4) *confidence in agreement* or, more exactly, in the contractual compliance of the other party (average of 4.94 of 6). 5) the participants were in average of 3.56 of 6 *reconciled* with the other party. Only 29% could repair their relationship a little. In this work place conflicts reconciliation seemed to be only occasional because the main issues were employment termination and financial compensation. If the relationship has also improved, the authors speak of “value-added agreement” (Poitras & Le Tareau, 2009, p. 374). *Disappointing agreements* did produce poorer ratings of mediator's usefulness, and procedural justice, and did produce same satisfaction with the outcome than the no agreement group. Poitras and Le Tareau suspect that some mediators were not competent to handle relational conflicts, and to reconcile parties.

In their study of workplace conflict, Kalter et al. (2018) surveyed 96 participants following their mediation and one year later. They used Poitras and Le Tareau's (2009) five dimensions “Mediators usefulness”, “Procedural justice”, “Satisfaction with agreement”, “Confidence in agreement” and “Reconciliation” and their instruments. Hierarchical regression analyses showed that reconciliation after mediation also predicted lasting reconciliation after one year. Similarly, short-term satisfaction with the mediator and mediation also predicted long-term satisfaction after one year. Hierarchical position and trust in the mediation agreement predicted long-term trust in the other party's compliance to the contract (see also Riera Adrover et al., 2020). After a comprehensive research review, Herrman et al. (2006) organized the empirical findings from a variety of different studies into a detailed formulated hypothetical framework. The authors considered in detail long-term effects of mediation processes as well as the preconditions responsible for them. They attribute *antecedent variables* to personal characteristics, attributes and beliefs as well as to conflict features and system context. They identified empathy, fairness, neutrality and conduct of negotiations by the mediator as well as active participation and understanding by the parties, active negotiation, discussion of the problem aspects and the associated needs, and formulation of options as decisive *process variables*. Among the *short-term outcomes*, they summarized satisfaction with the legal system and the mediator, with the process and conduct of negotiations, with the content and fairness of the agreements, costs incurred, and improvement in relations. As *long-term effects*,

they identified compliance with the agreed arrangements and, where appropriate, further litigation, reparation, reconciliation and security from attacks by the other side.

Prospective long-term studies are indispensable for the development of an empirically based theory on the long-term effects or rather the sustainability of mediation. In this way, the relevant antecedent variables can be recorded and compared with the process, and relevant post-mediation variables as well as the situation after a long time with the long-term outcomes of mediation (Bastine, 2014; Benjamin & Irving, 1995; Herrman et al., 2006; Montada & Kals, 2013). Mediation could probably be even more effective and sustainable if more use were made of approaches and findings from empirical psychology.

Findings from Psychological Research

Findings from cognitive psychology on the selectivity and perspectivity of *perception* show how incompletely and biasedly people perceive and judge. Information may go unnoticed due to ignorance, sensory overload, or distraction, or it may be repressed or denied due to internal defenses (summarized by Bak, 2020; Gigerenzer, 2019; Koelsch, 2014; Seiffge-Krenke, 2017; Wendt, 2014). Due to faulty information processing, false conclusions and attributions occur, triggering corresponding emotions (see below). *Memory* is also prone to errors, as different brain areas are active when remembering. Especially when several simultaneous events have not been correctly classified or when the individual is later confronted with very different evaluations and versions of reports about them, it can unconsciously lead to incorrect linkages of information and momentous erroneous memories and false conclusions (Gigerenzer, 2019; Gruber, 2018; Shaw, 2016). Therefore, when appropriate, accurate reconstruction and evidence collection is useful for verifying professed memories.

When individuals feel threatened in *basic needs* for orientation/control, attachment/belonging, pleasure gain/unpleasure avoidance, and esteem/self-affirmation due to situational cue stimuli, *stress* is triggered by the *alarm center* in the brain. In this process, the energy supply to the cerebrum is reduced, which can impair perception, remembering, and thinking, make one "headless" (Brunner, 2017; Epstein, 2003, Grawe, 2004; Koelsch, 2014). Therefore, it is useful to examine in which basic needs the parties feel restricted and which *emotions* are triggered. These are psychophysical syndromes that are experienced as *sadness, disapproval/contempt, disgust, anger/rage, fear, or surprise*, or combinations thereof, depending on the situation (Ekman, 2011). Subsequently, the brain actively seeks cue stimuli that confirm existing emotions and avoid dissonance experiences (Brunner, 2017; Gigerenzer, 2019). Current conflicts can awaken memories of completely different previous offenses and unconsciously activate emotional schemata related to them, which is often neither explainable nor influenceable at will, even for those affected. Since people identify with their emotions, mediators are well advised to respond benevolent sensitive to the parties' emotions (Singer & Bolz, 2013; see below).

Personality traits such as neuroticism/emotional irritability, openness to new experiences, extraversion/introversion, conscientiousness, and agreeableness continue to be anchored in brain structures (McCrae & Costa, 1999; Sandy et al., 2014). Other behavioral and conflict determinants that usually operate unconsciously are also cerebrally anchored emotional *bonds* between close

relatives that do not lose their effect despite conflict or separation and are particularly relevant in family mediation (see above; Cowan et al., 2019; Kelly, 2004; Pruett & Johnston, 2004; Strauß & Schauenburg, 2016). Lack of *intelligence* (e.g., Deary et al., 2021; Katz & Sosa, 2015; Thomas, 2012), *coping styles*, *social skills* (e.g., Braun, 2020; Stett, 2010; Thomas, 2012), as well as the very common *mental disorders*, can also influence conflict vulnerability and conflict behavior (e.g., National Institute of Mental Health, 2021; Petermann et al., 2018). Affected parties need understanding and support to avoid disadvantage. Here, many findings and strategies from clinical psychology lend themselves to examination in counseling and therapy research.

Findings from Counseling and Therapy Research

In counseling and therapy research, differentiated studies have been conducted for decades on which client, system, and counselor variables interact in which way and contribute to which results and long-term effects (Benjamin & Irving 1995; Cowan et al., 2019; Howieson & Priddis, 2015; Morris et al., 2018; Norcross & Lambert, 2019; Rogers, 1957; Wampold et al., 2018). Applied to mediation, this means helping the parties to understand themselves, the conflict, and the other side as much as possible, and to find successful arrangements from which all parties can benefit in the long term (Bastine, 2014; Herrman et al., 2006; Kalter et al., 2018, among others). If the participants take into account each other's basic mental needs (see above) in their behavior, the more trust and adherence can apparently develop in a working relationship that becomes more sustainable as a result (see also Grawe, 2004; Norcross & Lambert, 2019).

The current state of knowledge in counseling and therapy research has been compiled by the *Task Force on Evidence-based Relationships and Responsiveness*, commissioned by the American Psychological Association (APA), based on thousands of empirical studies and numerous metaanalyses which should also be considered in mediation proceedings (Norcross & Lambert, 2019; Norcross & Wampold, 2019). The items proven effective for lasting relationship and counseling success, according to the findings, are (see also Herrman et al., 2006; Riera Adrover et al., 2019): *Trust* in the mediator and offensive sensitive clarification of relationship breakdowns, misunderstandings, and transference processes to avoid strain on the cooperation Mediator's *impartiality/neutralty* and *openness* to results, *self-congruence* in the context of *allegiance*. Doubts about the credibility of the mediator, the mediation, and its prospects for success should be addressed, even if expressed nonverbally, accurate *empathy* on the part of the mediator toward the participants and their emotions, including those expressed nonverbally (see also Katz & Sosa, 2015), *positive regard* and affirmation of a positive expectancy, which is highly significant given the usually battered self-esteem of those involved in conflict situations and reinforces hope for sustainable settlements (Farber et al., 2019), *client feedback* - regular surveys and consideration of client feedback to ensure process quality, rapport, and goal consensus at all times (Lambert et al., 2019), *managing countertransference*; what counselors perceive is influenced by their own psyche and experiences (König, 2010; Hayes et al., 2019). This issue is particularly important in mediation because neutrality and impartiality depend on it.

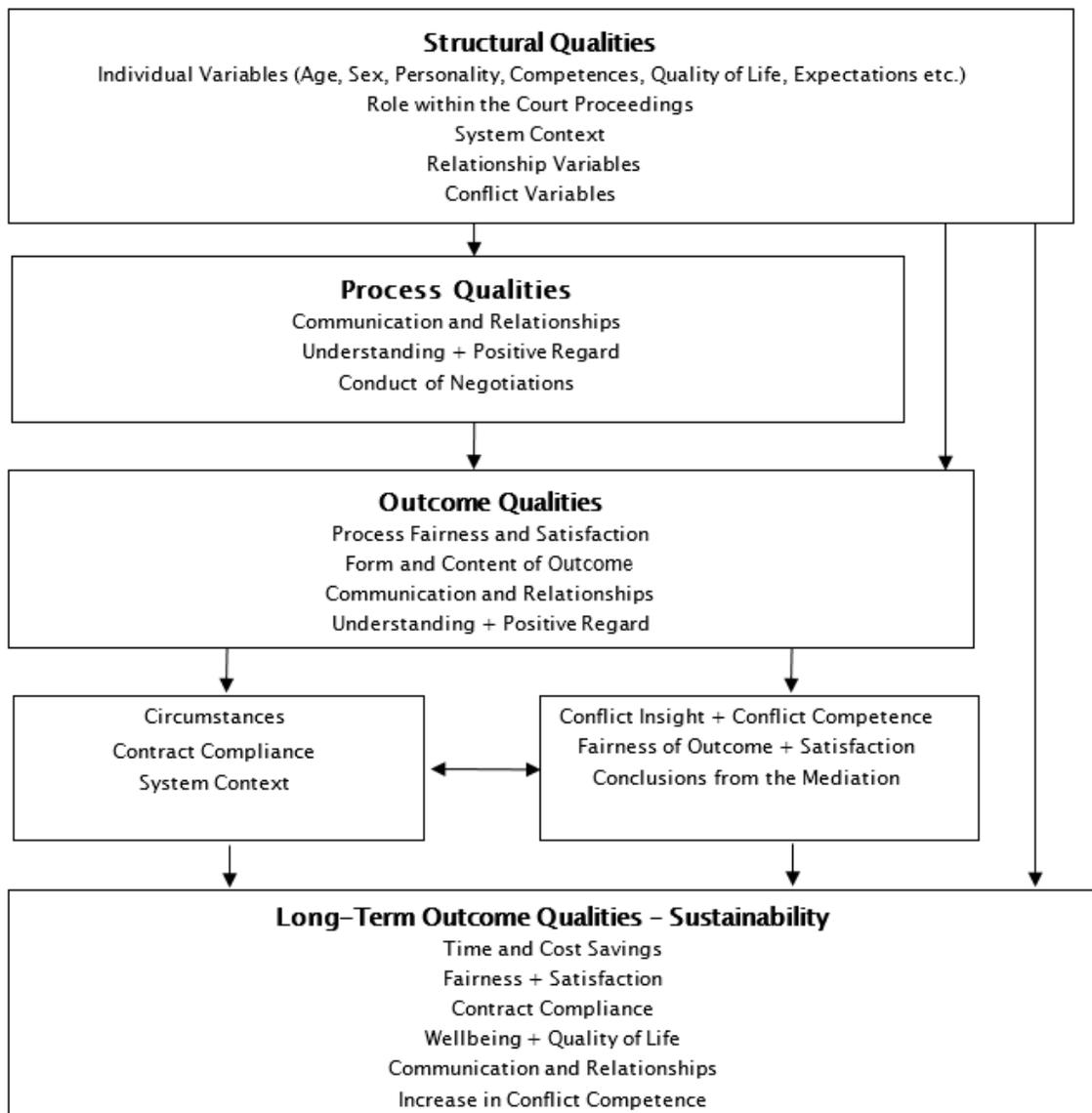
Unfavourable personality traits, competence deficits and mental disorders, chronic family and partnership conflicts, dissatisfaction with the procedure and outcome of mediation, lack of

contractual compliance of the parties, insufficient empathy of the mediator, especially in dealing with emotional problems, have been shown to be (statistical) *risks* for lasting success (Benjamin & Irving 1995; Herrman et al., 2006; Howieson & Priddis, 2015; Kelly, 2004; Pruitt et al. 1993). These conclusions represent the current state of knowledge about evidence-based practice in counseling and therapy. We now want to examine whether these findings can also be confirmed in mediation research.

The Prospective Kiel Longitudinal Study (PROKLOS)

Figure 1

Hypothetical Model of Mediation Qualities (Kaiser et al., 2017, p. 333; adapted from Donabedian, 1966/1980; Herrman et al., 2006)



Study Approach

As a counseling procedure, mediation must to be questioned about the quality of its antecedents, processes, short and long term results: 1) *whether, how well and how durably* it is effective (effectiveness / sustainability), 2) *how quickly and inexpensively* it works (efficiency), 3) *how it works and which* interrelationships are relevant for a long-term conflict settlement.

In order for the parties to be able to achieve their goals and secure them in the long term, it is necessary, in addition to *structural* prerequisites, to have *procedural* qualities in the way the actors deal with each other (Herrman et al., 2006; see above). The system of qualities was proposed by Donabedian as a model of quality of care as "the degree of correspondence between the goals ... and the care actually provided" for evaluating the performance of the American health care system (Donabedian, 1966/1980, pp. 80 ff; see Figure 1). In order to make progress in the development of a psychological theory of mediation and to determine conditions for lasting success and possibilities for optimising mediation, this quality model was used in addition to the model by Herrman et al. (2006) for the study presented below.

For the investigation of variables and mechanisms relevant for mediation and its long-term effects, a long-term study with particularly suitable mediation procedures seemed to us to be appropriate. We assumed that psychological findings about escalated conflicts that have already been processed with the help of a lawyer and about mediation proceedings that have been conducted in court also allow conclusions to be drawn about less escalated conflicts and about out-of-court mediation proceedings.

According to the hypothetical model of Mediation Qualities (see Figure 1; for rationale see Kaiser, 2017), we studied relevant *antecedent structural qualities* introduced into mediation at T1, such as mediators' qualification characteristics, mediators' personality traits, and conflict case characteristics; *process qualities* relevant to the course of the procedure, such as understanding, abstinence, and impartiality; and the importance of structural and process qualities for the *short- and long-term outcome qualities/sustainability* of mediation (see Figure 1).

Population and Procedure

At the District Court and the Regional Court of Kiel, judicial mediation was proposed to the parties in 397 cases after receipt of the lawsuits. The parties could request or deselect specific mediators, so randomization was not possible. If the parties agreed to mediation, the lawsuit proceedings were suspended. From fall 2009 to fall 2011, we were then able to survey the parties and their attorneys as well as the mediators in 303 cases of different conflict areas (see tables 1 and 1.1). The mediators ($N = 26$) were judges trained according to the Harvard model who had already conducted an average of 111 mediation proceedings (see Fisher et al., 2009). The surveys were conducted before mediation (T1), after mediation (T2), and, for parties and their attorneys, also one year later (T3) (see Table 1; Kaiser et al., 2015, 2017, Kaiser, 2018). Parties, attorneys, and mediators did not participate in all surveys in equal numbers and answered all questions completely (see Table 1). 329 parties participated at T1, 232 at T2, and 245 at T3, 67 of them at all three survey time points.

For the surveys, we specially developed 8 questionnaires with rating scales, closed and open questions, which were factor-analyzed (see Table 1). In consultation with the courts, the conclusion of a court-certified agreement (mediation settlement) was defined as an objective criterion for mediation success. A modified personality questionnaire was integrated into the questionnaire for the parties, surveying the personality traits 1. emotional irritability, 2. extraversion, 3. sophistication/openness to experience and refinement, 4. agreeableness, 5. conscientiousness according to the Big Five model (McCrae & Costa, 1999; also Gerlitz & Schupp, 2005; Schütz et al., 2016). Unfortunately, we were not allowed to ask these questions to mediators and lawyers.

Table 1
Return rates at the different survey times

	Parties	Lawyers	Mediators
Questionnaires	1142	1142	571
Response rate T1	329 (28.8%)	276 (24.2%)	303 (53.1%)
Response rate T2	232 (20.3%/70.5%*)	244 (21.4 %/88.4%*)	276 (48.3%/91.1%*)
Response rate T3	245 (21.5%/74.4%*)	233 (20.4 % / 84.4%*)	--

Note. Values marked with * refer to figures at T1

To determine their initial position, the parties, their attorneys, and the mediators were interviewed directly before the mediation (T1). To assess process variables and short-term effects of the mediations, all parties were interviewed immediately after the mediation (T2;), and to assess long-term effects/sustainability, parties and lawyers were interviewed one year later (T3; see Table 1). In the follow-up survey, we were interested, among other things, in how equitable parties and attorneys found the arrangements made, how well they were adhered to, how their relationships, well-being, and quality of life developed, and how satisfied they were with their mediation and the arrangements negotiated. We were also interested in how the parties assessed their ability to deal with conflict after one year and how they felt about mediation.

The evaluation was done content-analytically and inferentially statistically using SPSS (for more details see Kaiser, 2018). All variables from the different subject groups and survey time points were correlated to identify differences and correlations both between subject groups and between antecedent variables (T1), process, outcome (T2), and long-term variables (T3). The variables within the individual survey time points were also correlated with each other and subjected to factor analyses in order to examine constellations of characteristics at the same survey time point (e.g., between outcome justice and outcome satisfaction at T2 and T3 respectively; see Figure 1). For reasons of space, only the highly significant correlations are reported here. More detailed information on the analysis and the results in detail is available from the first author.

Types and Duration of Conflicts

There were studied mediations of civil conflicts, especially family, contractual, and neighborly conflicts, that had already escalated to the point of leading to lawsuits in the courts with jurisdiction over them (see Table 1.1).

Table 1.1*Conflict Items and Settlement Rates in Mediation*

Conflict Items	Agreement		Total	
	<i>N</i>	%	<i>N</i>	%
Marital Property Dispute	23	92	23	92
Dispute About Children	5	100	5	100
Inheritance Dispute	17	90	19	100
Non-Marital Partnership	3	100	3	100
Building/Architect Contract	22	85	28	100
Company Law	5	100	5	100
Sales Contract	24	92	26	100
Credits	7	70	10	100
Service Contract	14	93	15	100
Neighbor Dispute	10	83	12	100
Liability Dispute	9	90	10	100
Lease Contract	38	90	10	100
Medical Liability	2	100	2	100
Labor Law	2	100	2	100
Consultant Liability	1	60	2	100
Accident	2	100	2	100
Unlawful Act	4	80	5	100
Total	188	87	216	100

Note. In 13% of cases, no information is available from the mediators on the subject of the conflict, especially when several problem areas were negotiated.

According to the mediators, the duration of the conflicts averaged 3 years ($N = 276$; $\bar{x} = 3.0$; $SD = 3.6$). 32.6% lasted up to one year, 30% 1 to 2 years, 14% 2 to 3 years, 13% of conflicts 3 to 5 years, and 5% of conflicts lasted 5 to 8 years and 5% 8 years or longer.

The time spent on mediation was based on the number of sessions and the time required for them. 92.1% of proceedings were completed in one session according to mediators ($n = 270$; $\bar{x} = 1.11$; $SD = 0.6$). 12% of sessions lasted only 1 hour, 30.71% lasted 2 hours, and 37% lasted 3 hours. 91.7% of sessions lasted 3 hours or less. Only 12% required 4 hours and 2% 5 hours.

Interestingly, there was *not* found any correlation between the number and duration of sessions and the long-term success of mediation. However, as will be shown, correlations emerged between the *thoroughness* with which the process was conducted and the long-term qualities.

Agreement as Short-Term Outcome

According to the court offices, 376 (94.7%) of the 397 mediation proceedings initiated at the District Court and 130 (75.3%) of the 173 mediation proceedings initiated at the Local Court ended successfully with a notarized mediation agreement. The average agreement rate at both courts was 87%, according to the parties 91 % (T2; $n = 223$; $SD = 0.6$). The agreement rates in the various conflict areas are shown in Table 1.1.

If the overall balance was positive, it is now necessary to clarify on what the long-term compliance with the agreements depended and how they performed in the long term (see Donabedian, 1966; Bastine, 2014; Kaiser, 2017).

Long-Term Time and Cost Savings

After one year, 73 % of the parties stated that they had saved time ($n = 217$; $\bar{x} = 7.2$; $SD = 3.2$), 70 % saved costs through the mediation process ($n = 216$; $\bar{x} = 7.1$; $SD = 3.1$).

Table 2

Conditions of sustained time savings

1) Less stress	$\rho = .716^{**}$	
2) Cost savings	$\rho = .608^{**}$	
3) Mediation was encouraging	$\rho = .499^{**}$	
4) Sustained comprehensive resolution	$\rho = .497^{**}$	
5) Long-term satisfaction	$\rho = .480^{**}$	
6) Fair outcome	$\rho = .420^{**}$	
7) Cause of conflict eliminated	$\rho = .392^{**}$	Sustained time savings
8) Confidence in other's compliance	$\rho = .368^{**}$	
9) Well-being	$\rho = .368^{**}$	
10) Honesty of all actors	$\rho = .365^{**}$	
11) Goals enforced	$\rho = .358^{**}$	
12) Mediation again	$\rho = .283^{**}$	
13) All issues considered	$\rho = .267^{**}$	
14) Also compliant in the future	$\rho = .222^{**}$	

Notes. The 14 variables are listed in order of importance for sustained time savings based on the strength of the Pearson's ρ correlations¹

Particularly important for saving time seemed to the parties after one year to be *avoidance of stress and costs, encouragement* as well as *sustainable comprehensive solutions* to the problems, *satisfaction* with the mediation results, *fair settlements* and *elimination of the causes* of the conflict (see Table 2). If the parties could *trust* that the other side would abide by the agreed arrangements and *felt well*, they also saved time. Time also seemed to be saved if the parties if they were *honest*, were

¹ $p^* < .05$, $p^{**} < .01$.

able to *assert their goals*, and if they wanted to *return to mediation* if necessary, if *all issues could be considered* in mediation, and if they wanted to be *compliant* to the agreements in the future.

Similar correlations were found for long-term *cost savings* (see Table 2.1). Permanent cost savings were achieved by parties who experienced *less stress*, found permanent *comprehensive solutions*, and were *satisfied* with the results of mediation. If the parties found the mediation *outcome fair* and *encouraging*, were more likely to have *achieved their goals*, *eliminated the causes* of conflict and , they also saved more costs. Cost reduction was also associated with all parties being honest and sincere and their adherence to the contract being secure, feeling permanently well, having worked through all issues, and wanting to return to mediation when new conflicts arose.

Table 2.1

Conditions of sustained cost savings

1)	Less stress	$\rho = .635^{**}$	
2)	Sustained comprehensive solution	$\rho = .518^{**}$	
3)	Satisfaction with outcome	$\rho = .513^{**}$	
4)	Fair outcome	$\rho = .464^{**}$	
5)	Mediation was encouraging	$\rho = .444^{**}$	
6)	Goals enforced	$\rho = .432^{**}$	
7)	Cause of conflict eliminated	$\rho = .404^{**}$	Sustained cost savings
8)	Honesty of all actors	$\rho = .378^{**}$	
9)	Adversarial compliance certain	$\rho = .349^{**}$	
10)	Well-being	$\rho = .346^{**}$	
11)	All issues considered	$\rho = .314^{**}$	
12)	Mediation again	$\rho = .292^{**}$	
13)	Compliant in the future	$\rho = .264^{**}$	

Notes. Spearman's ρ correlations ordered by level (see Footnote 1)

Long-Term Fairness

An important criterion for long-term success was the fairness of the settlements reached. Before mediation, 73.2% of the parties expected a fair outcome. After mediation, 52% ($n = 221$; $\bar{x} = 5.70$; $SD = 3.1$), and after one year, 53% thought the outcome was fair ($n = 210$; $\bar{x} = 5.54$; $SD = 3.2$).

After one year, the parties found the outcome of mediation to be to be fairer the better *informed* they were about mediation to begin with (antecedent structural quality; $b = 0.64$; $SE = .13$; $p < .001$), the more *appreciation* they received from their attorneys, and the more *understanding* they experienced from the mediator (process qualities; see Table 3).

How appreciation and understanding play out in counseling processes and can be optimized professionally has been studied extensively (e.g., Singer & Bolz, 2013; Norcross & Lambert, 2019; Norcross & Wampold, 2019).

The parties found the outcome of mediation to be all the fairer, especially the more *comprehensive* and *sustainable the arrangements* reached were and the more *scope for design* they had had in the process to *discuss all relevant issues* (see Table 3).

Table 3
Conditions of long-term fairness of the mediation agreement

1) Informedness about mediation T1	$b = .640^{**}$	
2) Appreciation by attorney	$b = .500^*$	
3) Understanding of mediator	$b = .380^*$	
1) Sustainable conflict resolution	$\rho = .643^{**}$	Long-term fairness of the mediation agreement
2) Scope for design in the process	$\rho = .515^{**}$	
3) All issues considered	$\rho = .474^{**}$	
4) Cost savings	$\rho = .464^{**}$	
5) Time savings	$\rho = .420^{**}$	
6) Compliance of the other party	$\rho = .317^{**}$	

Notes. Regression coefficients b and Spearman's ρ correlations ordered by level (see Footnote 1)

This indicates the priority of the parties to shape "their" process as autonomously as possible in order to be able to settle the problems comprehensively and sustainably. For the parties, this freedom included being able to deal with all the issues that were important to them in the necessary depth. Only then did they find the mediation fair in the long term. Mediators should therefore be careful to get to the bottom of the problems in the way the parties want. At the same time, this argues against directive instructions from the mediators.

After one year, the parties found the mediation agreements fairer, the more *costs* and *time* they *saved* and the more *contractually compliant* the other party was (see Table 3). The fairer the parties rated the outcome of mediation after one year, the more encouraged ($\rho = .506^{**}$), the less stressed ($\rho = .496^{**}$) they were, and the better they felt ($\rho = .383^{**}$).

It can be concluded from the results that mediators should repeatedly check which criteria the parties have for justice in all phases of the process, especially in the case of difficult parties and contexts. Accordingly, mediators should ensure that both parties benefit sufficiently (Win-Win principle; e.g., Coleman et al., 2016) and repeatedly review the agreements reached for their long-term suitability or even develop concepts with the parties for implementing them as reliably as possible in the future.

Long-Term Compliance

A mediation agreement is only as good as the sustained compliance, which can only be seen after a longer period of time. Therefore were asked the subjects again after one year how far the agreements had been implemented by the other party and by themselves. According to the parties, the mediation agreements have been observed in the long term well in 75.8% of the cases, too little in 19.1% and not at all in only 5.1% of the cases. The parties rated the degree of contract compliance by the other side on average with 7.5, the lawyers even with 8.2 of 10 points (assessment on a 0 = minimum - 10 = maximum-point scale at T3; clients: $n = 227$; $\bar{x} = 7.5$; $SD = 3.2$; advocates: $n = 198$; $\bar{x} = 8.2$; $SD = 2.7$). Therefore, in 21.8% of cases, claims had to be enforced. On the basis of the mediation agreement, the parties were able to achieve compliance with the settlements by

the other side eventually, with legal assistance. In accordance with the theoretical model of mediation qualities, we now wanted to know how these findings could be explained.

Fair and practicable arrangements had the greatest influence on long-term contract compliance (see table 4). It is therefore advisable to ensure that the parties are asked in detail what criteria they apply to the fairness of an agreement. Then it should be clarified in more detail what is important in the longer term in terms of the practicability of the arrangements. Particularly in more complex cases, mediation agreements would have to be drawn up in corresponding detail and more differentiated concepts for implementation would have to be developed that also provide for ways of dealing with new life constellations. As Kelly reports (2004), when circumstances changed, successful parties adjusted the arrangements by mutual agreement.

Table 4
Conditions of long-term contract compliance

1)	Fair, practicable regulations	$b = 1.13^*$	
2)	Agreeableness	$\rho = .422^{**}$	
3)	Openness to experience	$\rho = .375^{**}$	
4)	Causes of conflict eliminated	$\rho = .340^{**}$	
5)	Sustainable resolution	$\rho = .339^{**}$	
6)	Encouraged by mediation	$\rho = .338^{**}$	
7)	Honesty of those involved	$\rho = .327^{**}$	
8)	Long-term fairness	$\rho = .317^{**}$	
9)	All issues considered	$\rho = .314^{**}$	
10)	Supervision of mediators	$\rho = .306^*$	Long-term contract compliance
11)	Enforcement of goals	$\rho = .301^{**}$	
12)	Confidentiality maintained	$\rho = .287^{**}$	
13)	Cost savings	$\rho = .264^{**}$	
14)	Support of the mediator	$\rho = .256^{**}$	
15)	Complexity of issues	$\rho = -.242^{**}$	
16)	Time savings	$\rho = .222^{**}$	
17)	Mediator all-party	$\rho = .197^{**}$	
18)	Less stress	$\rho = .189^{**}$	

Notes. Regression coefficients b and Spearman's ρ correlations ordered by level (see Footnote 1)

The more *agreeable* and *open to experience* the parties were, the better the arrangements were then adhered to.

Such parties were more conscientious about arrangements and more easily open to new perspectives. When unfavorable personality traits are introduced into mediation as structural qualities, affected parties require special attention and assistance before and during mediation (see also Heister, 1985; Morris, 2018). This is the only way to make the resources of mediation accessible to disadvantaged populations with unfavorable personality traits (see also Donohue et al., 2016). Thus, mediators should learn to recognize and manage such vulnerabilities-or at least bring in psychologically trained colleagues.

Further, after one year, parties were significantly more likely to report that the other side had complied with agreements the more *comprehensively the causes of the conflict* had been *eliminated*, the more *sustainable and comprehensive the agreed arrangements* were, and the more they *felt encouraged* by the mediation. Compliance with agreements continued to be better in the long run when all *parties were honest*, the *fairer* the parties felt *the agreements* were, and the better *all relevant issues were considered*. Agreed arrangements were also better adhered to in the long run when *mediators received supervision* and sufficient *support from the presiding board and the collegium* in the court (see table 4).

Apparently, mediators then work in a more reflective and credible manner. Credibility and social support have been shown to be relevant to counseling success in many studies (e.g., Reid, 2017; Norcross & Lambert, 2019).

Agreed-upon arrangements were also more likely to be adhered to in the long run when parties *enforced their goals* and *confidentiality was maintained*, they *saved costs and time*, and they *avoided stress*. In this context, the *mediator's support* and his *all-party* were also important. It was easier for the parties to be faithful to the contract in the long term if the *cases were less complex* and thus the arrangements were more manageable and manageable.

The findings confirm our model assumptions that sustainable implementation of the agreed regulations is also significantly related to structural, procedural and outcome qualities. This speaks for the consideration of the described qualities in practice and training.

Long-Term Improvement of the Relationship

Depending on the nature of the conflict and the parties' formal relationship, this often ended after the mediation was completed and the arrangements implemented (for example, in the case of contract disputes). In other cases, such as family, neighborhood, or rental disputes, the parties had to continue to get along. There were significant improvements in the relationships between the parties, but also disillusionment. The negativity of the relationship decreased in a highly significant way during the process and was still stable after one year (from $\bar{x} = 9$ at T1 to $\bar{x} = 5$ at T3; Wilcoxon test; $p < .001$; $n = 149$). Whereas before mediation (T1) 78% of the parties considered their relationship with the other party to be poor, after one year (T3) only 54% thought so (levels 6-10 on the 10-point scale). Before mediation, 10% had rated their relationship as mediocre; after one year, 31% did, three times as many.

After one year (T3), the more *the background of the problems* had been *clarified* and *the less the parties had left the mediation process to their lawyer*, the better the relationship between our parties. Sustained relationship improvement continued to depend on how *fair* the *outcome* (the agreed-upon settlements) and *how active the parties* were within the process and whether a *mediation agreement was reached* (see Table 5). A significant role in relationship improvement with the opposing party was played by the *relationship with opposing advocate*.

Because the relationship with opposing counsel was important to the parties, this points to the need for lawyers in mediation to pay attention not only to the relationship with their own clients, but also to improving the relationship with opposing counsel and their own contribution to it. This

is likely to be a new challenge for many lawyers, who in Germany traditionally see themselves as representing the interests of the parties. Mediators are called upon here to assist lawyers in fulfilling this task, which is new to them.

Table 5

Conditions of sustained relationship improvement

1) Problem background clarified	$\rho = .544^{**}$	Sustained relationship improvement
2) Less left to advocate	$\rho = .302^{**}$	
3) Outcome fairness (mediator)	$\rho = .282^{**}$	
4) Activity in mediation	$\rho = .259^{**}$	
5) Mediation agreement	$\rho = .255^{**}$	
6) Relationship with opposing advocate	$\rho = .247^{**}$	
7) No foreclosure	$\rho = .239^{**}$	
8) Life Quality after one year	$\rho = .224^{**}$	
9) All issues considered (mediator)	$\rho = .175^{**}$	

Notes. Spearman's ρ correlations ordered by level (see Footnote 1)

It was also important for a sustainable improvement of the relationship that *no foreclosure* was necessary, that the *quality of life* was good and that *all essential issues were considered*.

The parties' comments clearly showed how important it was for them to discuss everything that touched them for once. Unlike in court proceedings, many non-judicable topics could also be addressed here. The more active the parties were and the less they left to their lawyer, the more communication and relationship improved.

Contract compliance was also significant for long-term improvement in communication between parties (Canonical Correlation: $Rc = .42$; Wilks $\lambda = .77$; $p < .01$). It was questionable whether these aspects also affected well-being and quality of life after one year.

Sustainable Improvement in Quality of Life

An important motivation for mediation is to reduce stress, improve well-being and quality of life. The Win-Win principle and the deterrent possibility of losing in a dispute play important roles here.

76% of parties reported satisfaction with their quality of life before mediation, 75% after mediation, and 82% of the parties one year later ($n = 210$; $\bar{x} = 8.0$; $SD = 2.6$).

After one year, the parties rated their quality of life higher the better their *well-being* actually was (T3) and the more *encouraged they felt* (T2; see Table 6). In this regard, the better *their quality of life* had already been immediately following as well as before mediation, and the *lower the stress* they experienced in the meantime, the better their *relationship with opposing advocate* and the greater their *long-term satisfaction*. Quality of life also improved in relation to their strength of *aesthetic interest* (an item of Openness to new experiences), the *shortness of the conflict*, the *willingness to compromise* of both parties, their own *cost savings*, and the more *appreciation* they had experienced, in which they were trusted to do something within the framework of the process.

Table 6*Quality of life one year after mediation*

1) Well-being at 1 year	$\rho = .608^{**}$	
2) Encouragement T2	$\rho = .535^{**}$	
3) Quality of life T2	$\rho = .535^{**}$	
4) Stress reduction after 1 year	$\rho = .523^{**}$	
5) Relationship with opposing advocate	$\rho = .506^{**}$	
6) Well-being T1	$\rho = .443^{**}$	
7) Long-term satisfaction	$\rho = .421^{**}$	
8) Aesthetics	$\rho = .420^{**}$	
9) Duration of conflict T1	$\rho = -.420^{**}$	
10) Willingness to compromise T2	$\rho = .407^{**}$	
11) Cost savings	$\rho = .395^{**}$	
12) Appreciation through trust	$\rho = .391^{**}$	
13) Less stress	$\rho = .372^{**}$	
14) Conflict understanding	$\rho = .371^{**}$	
15) Confidentiality maintained	$\rho = .343^{**}$	
16) Understanding of the other side	$\rho = .342^{**}$	
17) Urging by mediator	$\rho = -.341^{**}$	
18) Goals and concerns clarified	$\rho = .337^{**}$	
19) Support for settlement	$\rho = .334^{**}$	
20) Comprehensive solution	$\rho = .329^{**}$	Quality of life
21) Relationship duration T1	$\rho = .319^{**}$	one year after mediation
22) Conflict Competence	$\rho = .319^{**}$	
23) Long-term fairness	$\rho = .319^{**}$	
24) Understanding by Mediator T2	$\rho = .319^{**}$	
25) Enforcement of objectives T3	$\rho = .313^{**}$	
26) Perspectives clarified	$\rho = .312^{**}$	
27) Contribution appreciated T2	$\rho = .309^{**}$	
28) Time savings	$\rho = .299^{**}$	
29) Often anxious	$\rho = .271^{**}$	
30) Shy, inhibited	$\rho = -.267^{**}$	
31) Encouragement by mediator T2	$\rho = .261^{**}$	
32) Understanding by the other side	$\rho = .261^{**}$	
33) Well-being T2	$\rho = .253^{**}$	
34) Long term Encouragement	$\rho = .253^*$	
35) Relationship with the other side	$\rho = .253^*$	
36) Opposite side compliant	$\rho = .251^{**}$	
37) Still compliant	$\rho = .248^{**}$	
38) Relationship with the other party T3	$\rho = .240^{**}$	
39) Background of problems clarified	$\rho = .232^{**}$	

Notes. Spearman's ρ correlations ordered by level (see Footnote 1)

In addition, quality of life was related to *less stress*, better *understanding* of the *conflict* and preservation of *confidentiality* by the parties, and *understanding* of the *other side*. If the mediator had *durged* for a settlement, this had a negative effect on quality of life after one year. *Clarification of goals* and concerns during the process, *support for an amicable settlement*, and a *comprehensive sustainable solution* to the problems were associated with higher quality of life after one year. The *duration of the relationship* (T1) with the other party and the parties' *conflict competence* also had

a positive effect on sustainable quality of life. This was also true for the *long-term fairness* of the settlements. If the mediator showed *understanding* during the mediation process, if the parties were able to *enforce their objectives* in the long term and if *all perspectives were clarified* during the process, if the parties felt their personal contribution to the mediation process was *appreciated* and if they *saved time*, these factors also benefited the long-term quality of life. Personality traits such as *anxiety* and *shyness* (items of Neuroticism) had negative effects, whereas *encouragement* by the mediator and *understanding by the other side* had positive long-term effects. Quality of life after one year was also better if the parties *felt well* after mediation (T2), found *mediation sustainably encouraging*, and had a better *relationship with the other side* both before and after the mediation process. Also relevant for quality of life after one year were the other party's *compliance to the contract* and the parties' *own compliance*, as well as the *relationship* with the other party and *clarity about the background* of the problems.

The parties' well-being and quality of life benefited significantly from the *reduction in stress* caused by mediation: after one year, the parties reported less stress, the more time and costs they were able to save, the more comprehensive and sustainable the arrangements worked out and the causes of the conflict eliminated, the fairer they found the mediation outcome and the better the other side adhered to the agreements, the better they were able to enforce their goals, the more all essential issues were taken into account, and the more honest and sincere the parties were (see Table 6.1).

Table 6.1

Stress reduction after one year

1) Time savings	$\rho = .716^{**}$	
2) Cost savings	$\rho = .635^{**}$	
3) Comprehensive solutions	$\rho = .603^{**}$	
4) Causes of conflict eliminated	$\rho = .545^{**}$	
5) Long-term fairness	$\rho = .496^{**}$	Stress reduction after one year
6) Contract compliance	$\rho = .404^{**}$	
7) Target enforcement	$\rho = .396^{**}$	
8) All issues considered	$\rho = .325^{**}$	
9) Honesty of parties involved	$\rho = .319^{**}$	

Notes. Spearman's ρ correlations ordered by level (see Footnote 1)

Satisfactory settlements helped reduce stress especially when mediation had begun early in the conflict process and the *conflict duration* was shorter.

Long-Term Satisfaction

Whereas immediately after mediation (T2) 58.8% of the parties were very satisfied, 9.8% moderately satisfied, and 38.8% dissatisfied with their mediation agreement ($n = 214$; $\bar{x} = 6.0$; $SD = 3.2$), one year later as many as 64.4% of the parties were very satisfied, and 12.2% moderately satisfied and 23.5% completely dissatisfied ($n = 213$; $\bar{x} = 6.4$; $SD = 3.2$). Satisfaction increased and dissatisfaction decreased over the year.

This suggests that distrust of the other party gradually diminished and that the parties were better able to appreciate the value of mediation after some time. While just 76% of our parties were more or less satisfied at the end of the year, for the remaining 24% the identified predictors of success have apparently not been sufficiently realized.

The parties' long-term satisfaction was significantly higher (in order of importance; see Table 7) the more they were able to *enforce their goals, all major issues were considered, the fairer they found their agreements, the more sustained the conflict resolutions, the more honest and sincere the parties involved were and the costs, time and stress could be avoided*. Also important for satisfaction and encouragement was the degree of *contract compliance* by the other party in the interim, whether the *relationship with the other party* and its *advocate had improved*, and the *causes of the conflict* had been eliminated, whether the parties were already *satisfied after the agreement* was concluded (T2), and whether they were *safe from attacks* by the other party in the meantime (see Table 7; see also Folberg, 2004).

Table 7

Conditions of long-term satisfaction with mediation

1) Enforcement of goals	$\rho = .591^{**}$	
2) All issues considered	$\rho = .579^{**}$	
3) Long-term fairness	$\rho = .571^{**}$	
4) Sustained conflict resolution	$\rho = .541^{**}$	
5) Honesty of participants	$\rho = .514^{**}$	
6) Cost savings	$\rho = .514^{**}$	Long-term satisfaction
7) Less stress	$\rho = .488^{**}$	
8) Time savings	$\rho = .480^{**}$	
9) Compliance by the other party	$\rho = .393^{**}$	
10) Better relationship with other party	$\rho = .367^{**}$	
11) Causes of conflict eliminated	$\rho = .365^{**}$	
12) Relationship opposing advocate	$\rho = .338^{**}$	
13) Satisfaction after mediation	$\rho = .279^{**}$	
14) Safety from attacks	$\rho = .211^{**}$	

Notes. Spearman's ρ correlations ordered by level (see Footnote 1)

The more satisfied the parties were with the mediation outcome after one year, the more willingly they *adhered to the agreements* (see above). It will now be interesting to observe how mediation experiences affect conflict competence and attitudes towards mediation.

Conflict Competence and Attitude towards Mediation

Since the parties were all involved in escalated conflicts that were already pending in court and were experienced correspondingly, it was of interest in the extent to which they were able to improve their appraisal of their conflict competence ("learned to deal with conflict") in connection with the mediation process.

Table 8*Conflict Competence after one year*

1) Understanding of conflict	$\rho = .632^{**}$	
2) Mediation encouraging	$\rho = .556^{**}$	
3) Sociability	$\rho = .445^{**}$	
4) Relationship to opposing counsel	$\rho = .441^{**}$	
5) Goals & concerns clarified	$\rho = .426^{**}$	
6) Understanding by other party	$\rho = .395^{**}$	
7) I was given confidence	$\rho = .392^{**}$	
8) Quality of life	$\rho = .391^{**}$	
9) Stress reduction	$\rho = .388^{**}$	
10) Well-being	$\rho = .365^{**}$	
11) Background of problems clarified	$\rho = .365^{**}$	
12) Openness to experience	$\rho = .346^*$	
13) Relationship improved	$\rho = .341^{**}$	
14) Long-term fairness	$\rho = .336^{**}$	
15) Long-term satisfaction	$\rho = .332^{**}$	
16) Time savings	$\rho = .332^{**}$	Learned to deal with conflict after one year
17) Perspectives clarified	$\rho = .329^{**}$	
18) Support for conflict resolution	$\rho = .329^{**}$	
19) Relationship with advocate	$\rho = .297^*$	
20) Cost savings	$\rho = .295^{**}$	
21) Burdened by dispute	$\rho = .288^{**}$	
22) Confidentiality maintained	$\rho = .286^{**}$	
23) Mediation again	$\rho = .280^{**}$	
24) Resourcefulness	$\rho = .279^*$	
25) Opposing party compliant	$\rho = .267^{**}$	
26) Contribution appreciated	$\rho = .262^{**}$	
27) Relationship clarified	$\rho = .234^{**}$	
28) Burdened by relatives	$\rho = .233^{**}$	
29) Communication improved	$\rho = .224^{**}$	
30) Resolving conflict independently	$\rho = .196^*$	
31) Compliant in the future	$\rho = .180^*$	

Notes. Spearman's ρ correlations ordered by level (see Footnote 1)

After one year, 53.7% of the parties reported that they now understand the conflict and themselves better ($n = 188$; $\bar{x} = 4.3$; $SD = 3.0$). Apparently, insights about conflicts and procedures such as one's own share in events increased in course of the year.

In view of the short mediation time and the low effort for mediation, it is not surprising that this was (rather) not the case for almost half of the parties. 53.2% of the parties improved their strategies for coping with conflict to a moderate extent ($n = 192$; $\bar{x} = 4.8$; $SD = 3.0$) and 45.5% were confident after one year that they would be capable of settling conflicts in similar future cases to a moderate extent without outside help ($n = 171$; $\bar{x} = 4.2$; $SD = 2.8$). Thus, about half of the parties report an increase in their awareness of conflict competence.

Given the short duration of mediation – usually one session of 2-3 hours – the competence enhancement is possibly also attributable to having been experiencing the conflict for longer and the lawyer's support.

In the following, we report the highly significant statistical correlations between conflict competence and expected conducive conditions in order of magnitude (see Table 8). Self-attribution of conflict competence was higher after one year the better the parties *understood the conflict and themselves* and found *mediation encouraging*, the more they reported increased learning on *dealing with conflict*, resulting in better conflict competence after one year (see Table 8). According to the parties' estimates, the more *sociable* and *open to experience* they were, the more *resourceful* they were, and the more they *felt burdened by conflict* in their presence - consequently, the more able they became to deal with conflict over the year.

These personality traits seem of moderate importance to conflict competence and motivation to learn more in this area.

The better their *relationship with the opposing counsel* was, the more *goals and concerns* of all parties were *clarified*, and the more *understanding* the other side showed, the greater the gain in conflict competence. This learning gain was also greater the more *regarded* the parties felt themselves to be. Thus, their *quality of life* and *well-being* improved, and their conflict *stress* decreased. The effect was reinforced when the *background to the problem* had been clarified and *relations* with the other party had *improved* in the meantime. If the parties found the mediation *results fair* and *satisfactory* after one year, if they had *saved time* through mediation and could *clarify the different perspectives*, this also significantly promoted their conflict competence to a moderately degree. This also applied to the mediator's *support in resolving the conflict*, a good *relationship* with the own *advocate*, and *cost savings* through the mediation. The conflict competence also increased in the long term as *confidentiality* was maintained by the participants, as the other party was *compliant* to the contract and their contribution to mediation was *appreciated*, the *relationship* to it was *clarified*, and as the *communication* was maintained in the meantime. Moderate influence also had how much they thought they were *capable of resolving the conflict independently* and to what extent they wanted to be *compliant* to the agreed regulations *in the future*.

Overall, it can be concluded that positive individual characteristics, and personal and instrumental experiences of how workable equitable settlements were reached in mediation, contributed to the improvement of conflict competence. The parties apparently learned to analyze conflicts and to better understand their complexity. It was important to distinguish between understanding and agreement, and also to be respectful and appreciative. The lawyers certainly also contributed to this in the context of the preparation for the originally planned or expected litigations. Mediation was proposed to the parties only after the court had received the complaint.

The fact that most of the parties had come to know and appreciate mediation as a constructive way of settling conflicts was evident from their comments on possible ways of dealing with future conflicts. After one year, 84% of the parties would be keen use mediation again in similar conflicts. 44% now even preferred *out-of-court mediation*, 40% to repeat court mediation, and only 16% preferred litigation ($n = 177$; $SD = .88$). Good experiences with court mediation apparently promoted the inclination toward extracourt mediation - especially if mediation was encouraging

(T3; $\rho = .430^{**}$), they were confident that they could manage similar conflicts without outside help ($\rho = .344^{**}$), they were *satisfied with the mediator* (T2; $\rho = .309^*$), *relations had improved* ($\rho = .291^{**}$), if they *saved costs* ($\rho = .292^{**}$) and *time* ($\rho = .283^{**}$), had *achieved their goals* ($\rho = .281^{**}$), *communication had improved* ($\rho = .281^{**}$), and they were still *satisfied with the agreement* ($\rho = .271^{**}$), and had experienced *lowered stress* in the past year ($\rho = .249$).

The oft-voiced fear that court mediation threatens to displace out-of-court mediation was thus *not* confirmed. On the contrary, it now seemed more advantageous to the parties to have conflicts mediated professionally at an *earlier stage* in order to *avoid escalation*. Thus, they benefited not only in the current individual conflict case, but also in terms of conflict competence and willingness to mediate.

Discussion

As mentioned at the beginning, mediation is understood as a professional counseling process for which approaches and findings of psychological research, especially counseling and therapy research, must be taken into account. The focus of this long-term study was a first test of the theoretical model of mediation qualities. This involved the impact of 1) structural qualities, more stable a priori characteristics of the participants, relationships and conflicts as well as other antecedent variables, 2) process qualities, and 3) short-term outcome qualities for the 4) long-term outcome qualities of mediation (see Figure 1). The findings confirmed all hypotheses and are largely consistent with those of other research on the individual questions (e.g., Kelly, 2004; Kline et al., 2004; Herrman et al., 2006; Bickerdike & Littlefield, 2010; Pruitt, 2011; Kalter et al., 2018; see above) and further with counseling and therapy research (e.g., Grawe, 2004; Wampold et al., 2018; Cowan et al., 2019; Norcross & Lambert, 2019).

Limitations

Informative value of our results is limited in several ways: Since only judicial mediation proceedings led by experienced judge-mediators were involved in our study, it is unclear to what extent the results are transferable to other fields of conflict or extrajudicial proceedings with differently trained or less experienced mediators in other countries and cultures. It remains to be seen to what extent the results can be transferred to mediation processes in other conflict areas. However, since we primarily examined psychologically relevant aspects and mechanisms, we assume that a hypothetical transferability is possible (see above). What remains open is the significance of questionnaires not previously checked for test quality, missing responses, and dropout of subjects in the course of the study ("cohort mortality"). Some participated in only one or two surveys, not at all three measurement times. This may have resulted in selection bias (Deng et al., 2013; Kalter et al., 2018). Furthermore, the results are based on information and assessments provided by the subjects. The non-experimental nature of the research design and the statistical relationships found only allow hypothetical conclusions to be drawn. Since the results confirmed all our hypotheses in

a highly significant way, we assume that the confirmation would have been even more convincing if the above-mentioned limitations had been omitted. Future research should include further survey procedures and other possibly relevant variables. Thus, the open questions await further clarification in future studies.

Conclusions for Further Research

We still know too little about what actually happens before and in mediation processes and what effects result from them in the longer term. To this end, video and other recordings of the behavioral, emotional, cognitive, and psychophysiological responses of the individuals involved before, during, and after mediation, as well as in follow-up studies, would be useful (for example, Ekman, 2011; Jakob et al., 2013; Gottman & Schwartz-Gottman, 2017). For example, it would be necessary to investigate in more detail which neuropsychic schemata are triggered in the context of transference/countertransference processes and what *nonverbal* signals the participants show and whether and how sensitive the others and the mediator react to them (König, 2010; Hayes et al., 2019). Perceptual sensitivity and cognitive-emotional processing are significant here, as are physiological responses like blood pressure, sweat secretion, hormonal and cerebral processes (for example, Ekman, 2011; Jakob et al., 2013; Gottman & Schwartz-Gottman, 2017; Brunner, 2017; see above). This context would also be useful to include the psychosocial and medical *health status* and *history* of parties and mediators in the analysis. Some of our findings suggest that the importance of *personality* traits, as well as *social skills* of parties and mediators should be investigated in more detail.

In all fields of mediation activity, there would also be a need to study more intensively what *risks* and *sideeffects* or even *harms* result from mediation processes for the parties in the longer term (Johnston et al., 1985; Kelly, 2004; Kline-Pruett & Johnston, 2004; Linden & Strauss, 2018; Upcounsel, 2020).

On the mediator side, *person characteristics* such as personality traits, professional competencies, would need to be examined more closely for their influences on mediation outcomes. This would also make it easier to determine in which areas our training programs for mediators should be optimized and who is *suitable* for training as a mediator in the first place and who should not work as a mediator for certain combinations of characteristics in order to *protect the users*.

Conclusions for Practice and Training

Practice and training should also be adapted to unfavorable initial conditions such as difficult clients and more complex cases. Less compatible and less experiential experienced, and clients with poor communication skills, for example, require special support from the mediator in order to compensate when they feel threatened by the other party and in order to work through mistrust and learn to engage and express themselves better (see also Heister, 1985; Kline-Pruett & Johnston, 2004). Mediators should therefore learn in their training to recognize such disadvantaged parties in good time and to provide targeted support to those affected - if necessary in cooperation with social workers, doctors and psychologists.

In order to ensure long-term compliance with the agreement, especially in more complex cases, the mediation agreement should be drawn up in a differentiated manner and provided with detailed instructions for implementation (e.g., Kelly, 2004; Kaiser, 2009; Morris et al., 2018). In this context, it would also be useful to specify who monitors the progress of the implementation of the regulations, in what way, and when. Here, experts or auditing organizations can provide useful services, if necessary. Compliance with the agreements should be monitored in the context of *cat-amneses* and ensured through long-term *follow-up*. Both would also be relevant for the quality assurance of mediation.

References

- Bak, P. M. (2020). *Wahrnehmung, Gedächtnis, Sprache, Denken*. Springer.
- Bastine, R. (2014). Konflikte klären, Probleme lösen - die Psychologie der Mediation. In J. M. Haynes, M. John, A. Mecke, R. Bastine & L. Fong (Hrsg.), *Mediation - Vom Konflikt zur Lösung* (S. 11-45). Klett-Cotta.
- Benjamin, M., & Irving, H. H. (1995). Research in family mediation: Review and implications. *Mediation Quarterly*, *13*(1), 53-82. <https://doi.org/10.1002/crq.3900130107>
- Bickerdike, A. J., & Littlefield, L. (2010). Divorce adjustment and mediation: Theoretically grounded process research. *Mediation Quarterly*, *18*(2), 181-201. <https://doi.org/10.1002/crq.3890180207>
- Braun, O. L. (Hrsg.). (2020). *Positive Psychologie, Kompetenzförderung und Mentale Stärke. Gesundheit, Motivation und Leistung fördern*. Springer.
- Brisch, K. H. (Hrsg.). (2019). *Bindung - Scheidung - Neubeginn*. Klett-Cotta.
- Brunner, J. (2017). *Psychotherapie und Neurobiologie. Neurowissenschaftliche Erkenntnisse für die psychotherapeutische Praxis*. Kohlhammer.
- Coleman, P., Kugler, K. G., & Mazzaro, K. (2016). Getting beyond win-lose and win-win: Situated model of adaptive mediation. In K. Bollen, M. Euwema & L. Munduate (Eds.), *Advancing workplace mediation through integration of theory and practice* (pp. 21-38). Springer.
- Cowan, P. A., Kline-Pruett, M., & Pruett, K. (2019). Fathers' and mothers' attachment styles, couple conflict, parenting quality, and children's behavior problems: An intervention test of mediation. *Attachment & Human Development*, *21*(5), 532-550. <https://doi.org/10.1080/14616734.2019.1582600>
- Deary, I. J., Hill, W. D., & Gale, C. R. (2021). Intelligence, health and death. *Nature Human Behaviour*, *5*, 416–430. <https://doi.org/10.1038/s41562-021-01078-9>
- Deng, Y., D. S. Hillygus, J. P. Reiter, Y. Si, & S. Zheng (2013). Handling attrition in longitudinal studies: The case for refreshment samples. *Statistical Science*, *28*(2), 238–256.
- Donabedian, A. (1966/1980). *Explorations in quality assessment and monitoring. Vol. 1: The definition of quality approaches to its assessment*. Health Administration Press.
- Donohue, W. A., Lyles, J., & Rogan, R. (1989). Issue development in divorce mediation. *Mediation Quarterly*, *24*(3), 19–28.

- Donohue, W. A., Sherry, J. L., & Idzik, P. (2016). Interaction dynamics predict successful negotiation in divorce mediation. *Journal of Language and Social Psychology, 35*(4), 374 -393. <https://doi.org/10.1177/0261927X15603090>
- Druckman, D. & Wall, J. A. (2017). A treasure trove of insights: Sixty years of JCR research on negotiation and mediation. *Journal of Conflict Resolution, 61*(9), 1898-1924. <https://doi.org/10.1177/0022002717721388>
- Ekman, P. (2011). *Gefühle lesen. Wie Sie Emotionen erkennen und richtig interpretieren*. Elsevier. Press.
- Epstein, S. (2003). Cognitive-experiential self-theory of personality. In T. Millon & M. J. Lerner (Eds.), *Comprehensive handbook of psychology: Vol. 5. Personality and social psychology* (pp. 159-184). Wiley & Sons.
- Eubanks, C. F., Muran, C. J., & Safran, J. D. (2019). Repairing alliance ruptures. In J. C. Norcross & M. J. Lambert (Eds.), *Psychotherapy relationships that work* (3rd ed., Vol. 1, pp. 549-579). Oxford University Press.
- Fisher, R.; Ury, W.; Patton, B. M. (2009). *Das Harvard-Konzept: Der Klassiker der Verhandlungstechnik*. Campus.
- Farber, B. A., Suzuki, J. Y., & Lynch, D. A. (2019). Positive regard and affirmation. In J. C. Norcross & M. J. Lambert (Eds.), *Psychotherapy relationships that work* (3rd ed., Vol. 1, pp. 288-322). Oxford University Press.
- Folberg, J., Milne, A., & Salem, P. (Eds.). (2004). *Divorce and family mediation. Models, techniques, and applications*. Guilford.
- Gerlitz, J.-Y., & Schupp, J. (2005). *Zur Erhebung der Big-Five-basierten Persönlichkeitsmerkmale im SOEP*. DIW Research Notes 4. DIW Berlin. <https://www.diw.de/documents/publicationen/73/43490/rn4.pdf>
- Gigerenzer, G. (2019). Kognition. In Wirtz, M. A. (Ed.), *Dorsch Lexikon der Psychologie*. Göttingen: Hogrefe. <https://dorsch.hogrefe.com/stichwort/kognition>
- Gottman, J. M. & Schwartz-Gottman, J. (2017). The Natural Principles of Love, *Journal of Family Theory and Review, 9*, 7–26. DOI:10.1111/jftr.12182
- Grawe, K. (2004). *Neuropsychotherapie*. Hogrefe.
- Gruber, T. (2018). *Gedächtnis*. Springer.
- Hagemann, D., Spinath, F. M., Bartussek, D., Amelang, M., & Stemmler, G. (2016). *Differentielle Psychologie und Persönlichkeitsforschung*. Kohlhammer.
- Hayes, J. A., Gelso, C. J., Kivlighan, M. D., & Goldberg, S. B. (2019). Managing countertransference. In J. C. Norcross & M. J. Lambert (Eds.), *Psychotherapy relationships that work* (3rd ed., Vol. 1, pp. 522-548). Oxford University Press.
- Heister, J. W. (1985). Sequential mediation: A necessary therapeutic intervention technique. *Mediation Quarterly, 9*, 57-61. <https://doi.org/10.1002/crq.39019850908>
- Herrman, M. S., Hollett, N., & Gale, J. (2006). Mediation from beginning to end: A testable model. In Herrman, M. S. (Ed.), *The Blackwell handbook of mediation: Bridging theory, research, and practice* (pp. 129-147). Blackwell.

- Howieson, J., & Priddis, L. (2015). A mentalizing-based approach to family mediation: Harnessing our fundamental capacity to resolve conflict and building an evidence-based practice for the field. *Family Court Review*, 53(1), 79-95. <https://doi.org/10.1111/fcre.12132>
- Jakob, M., Weck, F., & Bohus, M. (2013). Live-Supervision: Vom Einwegspiegel zur videobasierten Online-Supervision. *Verhaltenstherapie*, 23(3), 170-180. <https://doi.org/10.1159/000354234>
- Johnston, J. R., Campbell, L. E. G., & Tall, M. C. (1985). Impasses to the resolution of custody and visitation disputes. *American Journal of Orthopsychiatry*, 55(1), 112-129. <https://doi.org/10.1111/j.1939-0025.1985.tb03425.x>
- Kaiser, P. (Hrsg.). (2009). *Konflikte im Krankenhaus lösen. CNE. Fortbildung 4*. Thieme.
- Kaiser, P. (2018). Erfolgsbedingungen für Mediation und nachhaltige Konfliktregelung - Befunde aus der gerichtlichen Mediation und Schlussfolgerungen für Praxis und Qualitätssicherung. *Konfliktdynamik*, 3, 216-225. DOI 10.21706/kd-73216
- Kaiser, P., Gabler, A. M., & Norden, I. (2017). Wirkfaktoren für Qualität und Nachhaltigkeit von Mediation – Ergebnisse einer Längsschnittstudie zu gerichtlicher Mediation und allgemeine Implikationen. In K. Kriegel-Schmidt (Hrsg.), *Mediation als Forschungsgegenstand. Auf dem Weg zu einer deutschsprachigen Mediationswissenschaft* (S. 331-356). Springer VS.
- Kals, E., & Montada, L. (2017). Mediation. In D. Frey & H. W. Bierhoff (Hrsg.), *Enzyklopädie der Psychologie. Kommunikation, Interaktion und soziale Gruppenprozesse. Sozialpsychologie, Band 3* (S. 939–963). Hogrefe.
- Kalter, M., Bollen, K., & Euwema, M. (2018). The long-term effectiveness of mediating workplace conflicts. *Negotiation Journal*, 34(3), 243-264. <https://doi.org/10.1111/nejo.12227>
- Kelly, J. B. (2004). Family mediation research: Is there empirical support for the field? *Conflict Resolution Quarterly*, 22(1-2), 3–35. <https://doi.org/10.1002/crq.90>
- Kline-Pruett, M., & Johnston, J. R. (2004). Therapeutic mediation with high conflict parents: Effective models and strategies. In J. Folberg, A. L. Milne & P. Salem (Eds.), *Divorce and family mediation* (pp. 92-111). Guilford.
- Koelsch, S. (2014). Emotionen im Konflikt - Neurobiologische Grundlagen. In C. Fischer & H. Unberath (Hrsg.), *Grundlagen und Methoden der Mediation* (S. 43-64). Beck.
- König, K. (2010). *Gegenübertragung und die Persönlichkeit des Psychotherapeuten*. Brandes & Apsel.
- Kohlberg, L. (Ed.). (1976). *Moral development and behavior*. Holt, Rinehart & Winston.
- Kressel, K., & Pruitt, D. G. (1989). Conclusion: A research perspective on the mediation of social conflict. In K. Kressel & D. G. Pruitt (Eds.), *Mediation research: The process and effectiveness of third party intervention* (pp. 394–435). Jossey-Bass.
- Lambert, M. J., Whipple, J. L., Kleinstäuber, M. (2019). Collecting and delivering client feedback. In J. C. Norcross & M. J. Lambert (Eds.), *Psychotherapy relationships that work* (3rd ed., Vol. 1, pp. 580-630). Oxford University Press.
- Linden, M. (2017). *Verbitterung und Posttraumatische Verbitterungsstörung*. Hogrefe.
- Linden, M. L. & Strauß, B. (2018). *Risiken und Nebenwirkungen von Psychotherapie. Erfassung, Bewältigung, Risikovermeidung*. Hogrefe.

- McCrae, R. R., & Costa, P. T. (1999). A five factor theory of personality. In L. Pervin & O. P. John (Eds.), *Handbook of personality* (pp. 139-153). Guilford Press.
- McNeece, C. A., & Thyer, B. A. (2004). Evidence-based practice and social work. *Journal of Evidence-Based Social Work, 1*(1), 7-25. https://doi.org/10.1300/J394v01n01_02
- Montada, L., & Kals, E. (2013). *Mediation. Psychologische Grundlagen und Perspektiven* (3., überarbeitete Auflage). Beltz.
- Morris, M., Halford, W. K., Petch, J., & Hardwick D. (2018). Predictors of engagement in family mediation and outcomes for families that fail to engage. *Family Process, 57*(1), 131-147. <https://doi.org/10.1111/famp.12270>
- National Institute of Mental Health. (2021). *Mental Illness*. <https://www.nimh.nih.gov/health/statistics/mental-illness>
- Norcross, J. C., & Lambert, M. J. (2019). What works in the psychotherapy relationship: Results, conclusions, and practices. In J. C. Norcross & M. J. Lambert (Eds.), *Psychotherapy relationships that work* (3rd ed., Vol. 1, pp. 631-646). Oxford University Press.
- Norcross, J. C., & Wampold, B. E. (Eds.). (2019). *Psychotherapy relationships that work* (3rd ed., Vol. 2). Oxford University Press.
- Poitras, J., & Le Tareau, A. (2009). Quantifying the quality of mediation agreements. *Negotiation and Conflict Management Research, 2*(4), 363–380. <https://doi.org/10.1111/j.1750-4716.2009.00045.x>
- Pruitt, D. G. (2011). Negotiation and mediation in intergroup conflict. In D. Bar-Tal (Ed.), *Frontiers of social psychology. Intergroup conflicts and their resolution: A social psychological perspective* (pp. 267-289). Psychology Press.
- Reid, L.(2015). Finding a peace that lasts: Mediator leverage and the durable resolution of civil wars. *Journal of Conflict Resolution, 61*(7), 1401-1431. <https://doi.org/10.1177/0022002715611231>
- Riera Adrover, J. A. R., Castañer, M. E. C., & Moreno, J. J. M. (2019). Mediators' and disputing parties' perceptions of trust-building in family mediation. *Negotiation and Conflict Management Research, 13*(2), 151-162. <https://doi.org/10.1111/ncmr.12167>
- Rogers, C. R. (1957). The necessary and sufficient conditions of therapeutic personality change. *Journal of Consulting Psychology, 21*(2), 95–103. <https://doi.org/10.1037/h0045357>
- Sandy, S. V., Boardman, S. K., & Deutsch, M. (2014). Personality and Conflict. In Coleman, P. T., Deutsch, M., & Marcus, E.. (Eds.), *The handbook of conflict resolution: theory and practice* (pp. 400-429.). Jossey Bass
- Sbarra, D. A., & Emery, R. E. (2010). Coparenting conflict, nonacceptance, and depression among divorced adults: Results from a 12-year follow-up study of child custody mediation using multiple imputation. *American Journal of Orthopsychiatry, 75*(1), 63–75. <https://doi.org/10.1037/0002-9432.75.1.63>
- Seiffge-Krenke, I. (2017). *Widerstand, Abwehr und Bewältigung*. Vandenhoeck.
- Shaw, A. (2010). Divorce mediation outcome research: A meta-analysis. *Conflict Resolution Quarterly, 27*(4), 447-467. <https://doi.org/10.1002/crq.20006>
- Singer, T., & Bolz, M. (Hrsg.). (2013). *Mitgefühl in Alltag und Forschung*. Max-Planck-Gesellschaft. <http://www.compassion-training.org/de/online/files/assets/basic-html/index.html#2>

- Strauß, B., & Schauenburg, H. (Hrsg.). (2016). *Bindung in Psychologie und Medizin. Grundlagen, Klinik und Forschung – ein Handbuch*. Kohlhammer.
- Thomas, S. (2012). *Wisdom during social conflict: Age differences and integration of cognition and affect*. Dissertation, Fakultät für Biowissenschaften, Pharmazie und Psychologie. Universität Leipzig.
- Upcounsel. (2020). *Disadvantages of mediation: Everything you need to know*. <https://www.upcounsel.com/disadvantages-of-mediation>
- U.S. Department of Health and Human Services. (2002). *Effectiveness of access and visitation grant programs*. U.S. Government Printing Office.
- Wampold, B. E., Imel, Z. E., & Flückiger, C. (2018). *Die Psychotherapie Debatte. Was Psychotherapie wirksam macht*. Hogrefe.
- Wendt, M. (2014). *Allgemeine Psychologie – Wahrnehmung*. Hogrefe.
- Wissler, R. L. (2006). The role of antecedent and procedural characteristics in mediation: A review of the research. In M. S. Herrman, (Ed.), *The Blackwell handbook of mediation: Bridging theory, research, and practice* (pp. 129-147). Blackwell.