

MEETING MINUTES
WORKPLACE DISPUTES SECTION
MAY 18, 1999

EVALUATION OF AN ADR PROGRAM: PART ONE

The Workplace Dispute Section session, "*Evaluation of an ADR program: Part One*," was held on Tuesday, 18 May 1999 in the Auditorium at the Federal Deposit Insurance Corporation, 801 17th Street N.W., Washington, D.C. The session was chaired by Martha McClellan, Counsel, FDIC, and attended by representatives of 25 federal agencies. The session was opened at 9:10 a.m. and closed at 12:00 noon.

INTRODUCTION

Martha McClellan, Counsel
FDIC

Welcomed the group, offered refreshments and materials and announced upcoming WPDS sessions, then requested that they complete the Progress Report form on their agency ADR program and the Group Preference form for Part II.

OVERVIEW

Cathy Costantino, Supervisory Counsel
FDIC

The purpose of this training session is to give a comprehensive introduction to the fundamentals of evaluating a federal agency ADR program. FDIC will be used as a model to discuss essentials of how to evaluate: (1) you need to define it; (2) set a goal for it; (3) measure it.

- Who are we?
FDIC has had an ADR program in existence since 1994, and we are able to share the series of evaluation stages we have been through to give a sense of the options that are out there.
- Why us?
Because we developed a model of evaluation and can share our "lessons learned." We hope to prevent you from making the same mistakes by sharing what worked and what did not.
- What is this session about?
It is about evaluating ADR programs, accountability, and giving you a range of options to choose from.
- How will we proceed?
First, we will discuss some common evaluation terminology, followed by the stages of program development and the evaluation that goes

along with those stages. Next, we will explain some of the theories and methodologies that are available. Finally, we will share our lessons learned and the conclusions made. There will be opportunities both throughout the session and at the end for questions.

WHY EVALUATE AT ALL?

Cathy Costantino

- Measure:
To measure reality, check reality, and make the necessary changes along the way.
- Accountability:
You need to show a business reason to do ADR. Accountability comes from the process and for competence.
- Best Practice:
Cataloging results permits promotion of best practices.
- Justification:
There is a need to measure and count as a part of justifying the program's existence. Measure what your organization wants and what matters to them.

TERMINOLOGY

There are a number of different types of measures, and each one is progressively more complex.

1. Capture:
Captures what data is already there.
2. Count:
Data is not there yet, so you must go count something that exists.
3. Compare:
Compare one set of data with another set of data.
4. Measure:
Deals with the qualitative and begins to work with the intangible. Uses focus groups, surveys, and interviews to ask if customers are happy with results and if results are durable.
5. Analyze:
Critique the data to figure out what it all means.
6. 360 Degree Evaluation:
Gather and analyze data from all different angles.

MULTI-STAGE EVALUATION GRID

At each stage in a program's development, any of the six types of measures might be utilized.

- Imposed:
Program is ordered; ADR must be used.
- Triage:
Program is in crisis; consequently only the worst cases undergo ADR.
- Dispute Resolution:
Disputes are dealt with one at a time as they come along.
- Conflict Resolution:
The whole system is dealt with by attempting to solve underlying conflicts, not just disputes.

EVALUATION DESIGN ISSUES

Martha McClellan

- Goals and Objectives
 - Macro
Does the program meet statutory and regulatory requirements? Is the program's existence justified?
 - Micro
Can a filing system be implemented to maintain paperwork generated from the program?
 - Looked at agency and legal division strategic plan, then asked how our program helped move the agency towards its corporate goal.
 - Captured quantitative, qualitative and customer service data that shows the value the program adds to the agency.
 - Asked what incentives exist for the agency to use an ADR program. Based on the ADR Act of 1996 and the Executive Order, we realized we didn't need to justify our existence because the program provided a necessary service to the agency.
 - Identified audience: Board of Directors, General Counsel, clients and customers
- Purpose of Program Evaluation
There are two ways to measure a program:
 - Measure the administrative and organizational aspects of the program's structure.
 - Measure the impact, effectiveness, and efficiency of the program by asking how well does it do what it is designed to do? What is the nature of outcomes, relationships, and customer satisfaction?
- Program Measures
What will you be measuring? What are the sources of data? How are you going to capture and collect the data?
 - Quantitative:
How many, what kind, and how much?
 - Qualitative:

- How well do you do it?
 - Customer Satisfaction:
 - Are they satisfied? Did you do what they wanted?
- Design Type
 - What is your methodology going to look like?
 - Control Group:
 - Offer the program to some and not to others (FDIC's pilot offers ADR to every other case)
 - Before/After Model:
 - Compare results from before and after an ADR program is implemented.
- Analysis Plan
 - Once you have data, what are you going to do with it?
 - Descriptive Statistics:
 - Number of people, agencies, etc.
 - Multi-variable Methods:
 - Looks at the effects of several variables - may need assistance to identify a number of variables.
 - Anecdotal/Interpretive:
 - Deals with subjective results; use anecdotal data to show how the program made a difference for individuals and groups (just as, if not more valuable than other methods of analysis)

Due to resources available, we made the decision early on not to take an experimental approach. Instead, an "Interpretive Cost Benefit Analysis" was done. Our program results were compared with analogous outside sources to find a base line. Tangible and intangible cost benefits were identified.

- Data Collection Plan
 - Surveys - qualitative feedback
 - Descriptive Data Forms - record number of attendees, agencies, in-house, etc.
 - Post-Activity Evaluation Forms - exit surveys
 - Participant Interviews
 - Focus Groups
- Reporting
 - Your report should reflect the goals and objectives you set out in the beginning. Go back to the purpose of your evaluation.
 - Effectiveness/Impact
 - Administration/Operation

Why are you doing this in the first place? Who are you doing it for?
Who's the audience? What are they interested in? What do you want
them to know?

- _ Oral presentation
- _ Written report

WHAT WE LEARNED

Cathy Costantino

- _ Implementing Change - FDIC ADR Development Time-Line
- _ Spectrum of Success

ADR "SUCCESS" SPECTRUM

There are many stages to success. Measuring multi-variables offers many opportunities for "success"

1. ADR Awareness:
People start to know what ADR is; strong education effort.
2. ADR Consultation:
People start to become curious; decision-makers begin asking questions;
many consultation requests.
3. ADR Assessment:
Begin to figure out where ADR fits and how to do it; start assessing goals and
evaluation plan
4. ADR Design Proposal:
This is a critical point where program is either given the go ahead or turned
down. It is essential to have goals and an evaluation plan included in the
proposal.
5. ADR Design Test:
Pilot; there must be an evaluation mechanism for a pilot; best if progressive.
6. ADR Design Implementation:
Change from a pilot to a program that becomes a standard and carries higher
expectations.
7. ADR Mind Set:
Proactive thinking about ADR

This session has provided only a framework for you to start thinking about
evaluation. It is important to create your own evaluation based on the needs
and resources of your agency.