



Issue Resolution Process Design: Lessons from Psychology and Law

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Overview

1. Review of research on psychology and law that helps to answer the following important questions:
 - a. what makes procedures attractive to *potential* users?
 - b. what makes *actual* users give high satisfaction ratings to procedures after they have experienced them?
 - c. *why* it is important to take such research findings into account when designing procedures?
2. Ideas for encouraging users to evaluate procedures for program improvement

Terminology

- “Aggrieved party” = someone with an issue, complaint or grievance about another party (e.g., person, organization, government)
- “Laypeople” = members of the general public (including aggrieved parties)
- “Organization” = government agency or business
- “Conflict” = what motivates an aggrieved party to file a complaint or voice an issue or grievance

What Makes Procedures Attractive to Potential Users?

Aggrieved parties tend to evaluate procedures based on how they allocate control between themselves and third-parties

- **Process:**

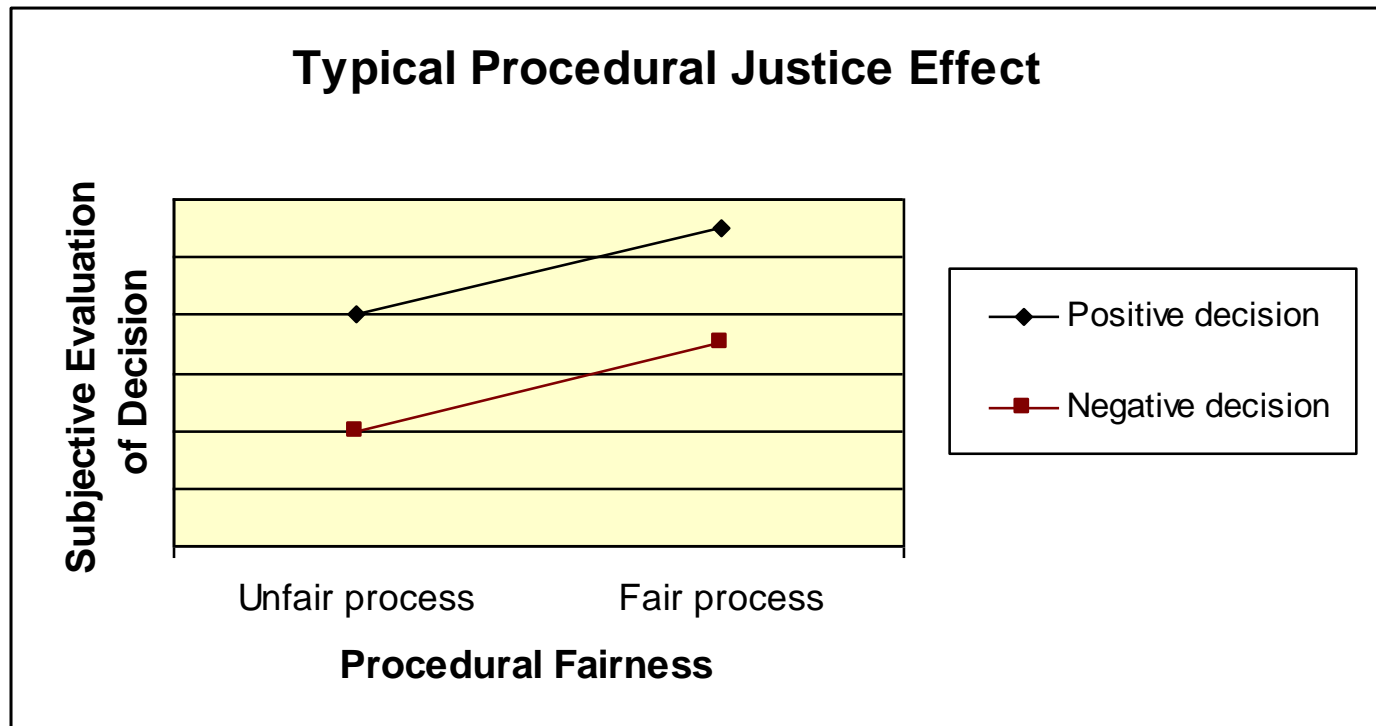
- They like the idea of having a third party manage the process of resolving the conflict
- They want to be present during the resolution process
- They do not want to talk directly to the person they are in conflict with, unless a third party is present
 - Ideally, they want someone to advocate for them (e.g., lawyer or representative)

What Makes Procedures Attractive to Potential Users?

- **Outcome:** having veto power over a third-party suggestion is the most decision control they want
 - they are indifferent between this type of control and giving full decision-making authority to third parties
- **Rules:** prefer formal substantive rules rather than rules that a third party would devise or ones that the conflicting parties would choose on their own

Post-experience Evaluations

Even unfavorable outcomes are rated more favorably when a more “just” procedure is used to determine that outcome.



Key Components of Procedural Justice

- Voice: opportunity to tell their side of the story
- Neutrality: decisions based upon rules rather than personal opinions; consistent application of rules across people and similar situations
- Respect: the sense that both they and their concerns are taken seriously
- Trust: the perception that a third party is sincere, caring, open, and trying to do what is right

What Appeals to Laypeople: Why We Should Care

1. Greater voluntary participation in the procedure
2. Enhanced procedural justice (i.e., higher ratings of fairness and satisfaction)
3. Greater voluntary compliance with outcomes
4. In cases where the procedure is offered by the government: increased respect for the government and a greater willingness to obey the law more generally

(See Donna Shestowsky, *Disputant's Preferences for Dispute Resolution: Why We Should Care and Why We Know So Little*, 23 OHIO ST. J. ON DISP. RESOL. 549 (2008)).

Obtaining Feedback

- Anonymity – and *perceived* anonymity – extremely important for obtaining honest feedback
 - Fear of negative repercussions; program evaluator should be neutral and this should be made clear to parties
- Make it easy to participate
 - But not so easy that non-users will complete surveys meant for users
 - Consider cost, language, and technology barriers
- Obtain feedback soon after they use the procedure
 - Also a good idea to assess *potential* user's impression of the procedure (might discover what is attracting or repelling use)
- Important to get feedback directly from parties as opposed to their agents/advocates/representatives
- Consider incentivizing feedback
 - \$ per survey; random draw; emphasize importance of the procedure and how critical their feedback is to improving it
- Keep survey short and put most important questions first