

A Dissertation Defense for [Kevin Farmer](#), Ph.D. Candidate in Organization Studies, has been scheduled for Friday, August 25, 2006 at 10:00am in SOM 210. All are invited to attend.

Chair: Jane Miller

Title: An Investigation into the Effect Representatives have on their Clients' Perception of Justice in Mediation

Abstract:

Representation is hallowed in American jurisprudence. Under the adversary approach manifested in the judicial system of the United States, the right to assistance of counsel is a tenet of the Constitution for those accused of crimes as well as a protection accorded by the Wagner Act for unionized workers facing discipline at the hands of their employers. Of more recent vintage, soaring caseloads have increasingly clogged the courts and, some would contend, have served to deny justice through its delay. Consequently, those enmeshed in disputes have turned to alternate means to resolve their differences equitably and efficiently. Chief among these new methods is a process, mediation, in which adversarial relations are anathema. Parties that consent to mediation choose a neutral who fosters their attempt to negotiate a settlement. In the juxtaposition of our historical reliance on adversaries pitted against each other in the pursuit of justice with a modern dispute resolution venue that demands cooperation in the quest for agreement, is representation still a cherished right?

One overarching question prompts this Investigation. Does the presence of a Representative in mediation affect the client's perception of Procedural Justice as well as the likelihood of reaching a settlement?

A mixed-design empirical study was conducted in which survey data, reflecting emic, attitudinal variables, and experimental policy capturing data, representing etic, between-group variables, were collected from a sample of upper-class undergraduates. In sum, results demonstrate that representation has a profound positive effect on subjects' perception of Procedural Justice generally and, more particularly, that Facilitators-representatives who empower their clients to directly negotiate with their opponent-augur higher perceptions of fair process and predicted outcomes than those represented by Advocates, who speak for their clients, or the Unrepresented. This exploratory study will advance Organizational Justice theory by shedding light on the impact of representation on a client's perception of process control, voice and overall fairness in mediation. Also, the evidence informs mediation practice by suggesting a greater use of representatives who support their client's direct participation.