

Study on the Relationship Between Judges and Mediation Durations of Civil Litigation

Taking the Court in District B as a Sample

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Abstract—Over a study, it is shown that the individual factors of judges have effect on the specific implementation of litigation mediation of court. Through an analysis on 12 years of data from grass-roots courts in China, it is found that the mediation experience, work experience and genders of judges have different effects on the mediation duration of a civil litigation. By further exploration, it is also found that the existing mediation case allocation mechanism and mediation training for judges restrict the overall mediation efficiency of grass-roots court. Therefore, by cultivating more professional mediation judges, fine-tuning the mediation case allocation mechanism and reforming the training methods, it will be available to improve the overall mediation efficiency and judicial ability of a court to solve disputes and effectively alleviate litigation explosion.

Keywords—dispute resolution; mediation duration; mediation efficiency; case allocation; mediation training

I. INTRODUCTION

Litigation mediation can greatly improve the efficiency of court in resolving disputes and relieve the burden of a court in dealing with a case. In the process of litigation mediation in China, "the judge is always in the central position of the litigation pattern and dominates the whole process. It is like a social drama jointly played by three parties, where judges resolve disputes through various judicial techniques and convince both parties."¹ Therefore, it is of great practical significance to take the judge in the process of litigation mediation as the object of the study. Therefore, this paper focuses on the relationship between the judge and the efficiency of mediation and takes the mediation duration (from the filing date to closing date of a case in court) as one of the measures of efficiency to explore the relationship between the judge and the mediation duration of civil litigation.

At present, scholars and researchers have done little research on the relationship between judges and the mediation duration of civil litigation, and studies related to this are

mostly made only on the basis of personal experience, lacking empirical study based on data analysis.

In order to make up for the deficiency of previous studies, this paper, on the basis of combing and following the existing theories and findings, selects all civil litigation mediation cases from 2005 to 2016 of the grass-roots court in District B, city A,² and mainly conducts overall analysis and assessment of the data on the mediation durations of all mediation cases in the grass-roots court in District B from 2005 to 2016 and the relevant characteristic data of the judges. Supplemented by interviews, this paper tries to reveal the possible relationship between the judges and the mediation duration of the lawsuit mediation in a relatively long period of time, and at the same time proves or falsifies existing theories. Through this paper, the author hopes to answer several questions: (1) what is the relationship between the judge and the mediation duration of litigation mediation in reality? (2) How much influence does the ability of the judge have on the mediation duration of mediation? (3) What is the mediation efficiency of the existing civil litigation in judicial system? Is there a space for making improvement?

II. THEORETICAL INDUCTION AND ANALYSIS

"Personal factors are even more important in mediation and judicial activism," Zhu Suli once pointed out. "For the success of mediation, it is even the most important thing whether the mediator has certain characteristics. These traits may include the mediator's own age, gender, patience, temperament, social experience, moral authority (impartiality), knowledge of the community and the minds of the client, familiarity with the dialect (the person is a dialect speaker), vivid and infectious language skills..."³ Because of their

² A city is one of the most promising cities which became first-tier city in China in 2017. B area is the economically developed area of A city. In 2015, the GDP of B area reached 79.52 billion yuan. The number of officials in B district court reached 134 in 2015. Among them, 52 officials have master's degree, 78 have undergraduate degree, only 4 are below undergraduate degree. There are a large amount of cases in B district grass-roots court, the rate of civil litigation is about twice that of the national number, the number of cases handled by judges in B area per person per year have long been in the forefront among the grass-roots courts in A city.

³ Zhu Suli. On Judicial Activism and Pervasive Mediation [J]. China Legal Science. 2010 (1).

¹ Gao Qicai, Zhou Weiping. The Skill and View of Judge Mediation — Taking Nancun Court as the Object [J]. Law and Social Development. 2006 (1).

different characteristics, different judges may have different influences on the mediation duration. In view of the limitations of the research means, this paper does not intend to dig into subjective factors such as the judge's personal temperament, personality and conduct. Therefore, the author focuses his attention on the judge's three characteristics, namely, the judge's mediation work experience, work experience and gender. The reason why judges' experience in mediation is separated from their working experience is that, in cases concluded through mediation, "Academic judges may prefer to reach a verdict, however non-academic judges prefer mediation."⁴ Judges who prefer mediation may have rich experience in mediation; while those prefer to reach a verdict may be more experienced in making legal decisions. Therefore, it is necessary to discuss the mediation experience and judge's work experience separately and study their influences on the length of mediation duration.

A. Mediation Experience

The good mediation ability of the judge not only needs the profound professional quality and the comprehensive quality, but also needs the superb language expression ability: the former ensures the judge to analyze the question comprehensively, grasp the person's psychology, make reasonable decision on the basis of correct inference and use good social ability to coordinate the disputing parties; The latter ensures the good communication and interpretation of the parties at different levels with simple and plain, straightforward and daily used language.⁵ With rich experience of mediation, judges can develop the ability to judge the behavior patterns of the parties accurately, and on this basis, they can use mature language system and appropriate social strategies. The dispute between the parties should be settled quickly with the help of legal expertise.

B. Work Experience

Scholars found that the work experience has an obvious influence on mediation rate, and the more experience judges have, the higher the mediation rate is. For example, some empirical research on a grass-roots court found that the highest mediation rate of each year is achieved by the middle-aged judges who are over 35 years old, and the mediation rate of judges below 30 years old is often relatively low.⁶ Another survey of 55 grass-roots courts in Jilin Province found that in the mediation rate of the intermediate people's courts, although the "experiential" judges who have been employed for more than 20 years only accounted for 22 of the total number of judges, their mediation proportion is 53% among the whole judges whose mediation rate is between 60% and 70%. Among the young judges, only 44% of the judges can

reach the mediation rate of 60-70%.⁷ On this basis, the author hopes to further find out whether the work experience also affects the mediation duration to some extent.

C. Gender

The study of female judges as a separate professional group in China can be traced back to the early 1980s. The influential academic theory is "biological determinism", which conveys a view that, compared with men, women are less able to visualize space and do not have strong logical thinking ability, so they are always shown as visual, subjective, emotional and intuitive. Even when a judge is working as a mediator, she must also follow the principle of "adhering to clear facts, clear right and wrong", get rid of the interference of subjective feelings, and maintain a rational mind and objective position. And there is a need for the judges to hold abstract concepts to make logical reasoning and have the ability to draw independent conclusions.⁸ Therefore, men are thought to be able to push the mediation process faster, while women are thought to be less likely to achieve "psychological adjustment strategies" for disputing parties through direct influence during mediation, which may lead to prolonged mediation duration.⁹ Some studies have found that in the relationship between gender and mediation judgment rate, most female judges have higher mediation withdrawal rate and lower mediation withdrawal enforcement rate than more male judges.¹⁰ However, the topic of this paper is to explore whether the gender of judges may affect the mediation efficiency.

III. EMPIRICAL STUDY

In the study of the characteristics of judges' personnel structure, the author found that the speed of the completion of all civil cases settled by mediation of the case filling division of Court in District B (the case filling division I of Court in District B is also the trial Business Division) was very fast. A large number of cases were closed on the day of or within 1-4 days after being filed or, and only a few cases were closed in more than 10 days. It can be seen that the cases settled by the case filling division of Court in District B are obviously different from those of other civil trial business courts in nature and difficulty. Therefore, in order to ensure the scientific nature of the research conclusions, the civil mediation case data of the civil court is no longer included in the scope of the study. In addition, it needs to be explained that because the data samples in the mediation duration are distributed with a long tail, in order to describe the data samples scientifically and reasonably, this paper selects the median as the representative data of the samples.

⁴ Qiang Shigong. *Rule of Law and Governance-Law in the Transition of the Country* [M]. Beijing: China University of Political Science and Law Press. 2003: pp.273-274.

⁵ Zong Huixia. *Researches on Judge's Judicial Ability* [D] Nanjing: Nanjing University of Science and Technology. 2013: pp.43-44.

⁶ Wang Jianjun. *Empirical Analysis of Mediation — Hailing District, Taizhou City People's Court to the Object* [D]. Jiangsu: Soochow University. 2010.

⁷ Song Ming. *Legal Sociology Analysis of Judicial Mediation — From the Perspective of Empirical Study* [J]. *Journal of Comparative Law*. 2014(3).

⁸ Zhou Anping. *A Study on Gender in the Legal Profession* [J]. *Journal of Guizhou Normal University (Social Science)*. 2006 (1).

⁹ Li Xiaofeng. *The Application of Professional Social Work Practice Methods in the People's Mediation* [J]. *Journal of Social Work*. 2009 (10).

¹⁰ Tang Bingsheng. *Empirical Study on Commercial Mediation of Court-A Sample of K District Court in H City* [D]. Shanghai: Shanghai Jiao Tong University, 2011: pp.25-26.

A. Limited Influence of Mediation Experience

Mediation experience can be reflected by the number of cases mediated by judges. However, in order to ensure the reliability of data analysis, the nature of the analyzing object and the relationship between judges in the case should be the same or similar, and the room for the judges to play their role as mediators should be taken into account. Based on the preliminary screening, the author finds that the fluctuation range of the sale and purchase dispute cases in the closing period between 2005 and 2016 is in the medium range, and there was normal size of room for the judges to play their mediation experience, so the cases of sale and purchase dispute are chosen as the object of study. In the 12 years from 2005 to 2012, it is researched whether there is a difference in the length of the mediation duration between the judges who have dealt with a large number of mediation cases and the judges who have dealt with a small number of mediation cases.

Statistics show that the number of mediation cases of judges shows a more obvious four-step distribution: the first ladder has three judges, the number of cases mediation of each judge accounts for more than 8% of all the cases completed through mediation, accounting for 27% of the total; There are four judges in the second ladder, the number of mediation cases of each judge accounts for 5%-6% of the total number of cases completed through mediation, accounting for 21% of the total; There are eight judges in the third staircase, the number of mediation in each judge case accounts for 3%- 4% of the total number of cases closed through mediation, accounting for 29% of the total; There are 46 judges in the fourth ladder, the number of mediation cases per judge accounts for less than 2% of all cases settled through mediation, accounting for 23%, of which about 89% judges deal with 1% or less of the cases. The data based on this collation is shown in "Table I" below.

TABLE I. THE RELATIONSHIP BETWEEN MEDIATION EXPERIENCE AND MEDIATION DURATION

	First Ladder	Second Ladder	Third Ladder	Fourth Ladder
Number of cases (case)	613	483	640	540
Number of acting judges	3	4	8	46
Mediation duration (day)	53	50	53	57.5
	51		57	

"Table I" shows that:

1) *The judges who have dealt with more mediation cases take less time in mediation than the judges who have dealt with fewer mediation cases:* Among the cases settled by sale and purchase disputes, a total of 61 judges participated in the mediation. Nearly half of these cases are mediated by seven judges in the first and second ladder, and the overall time spent is 51 days; the other half of the mediation cases are completed by 54 judges in the third and fourth ladder, and the

overall time is 57 days. The data of first, second ladder judges and third and fourth ladder judges are statistically analyzed on the SPSS software, and the P value is 0.029, which is significant. However, although the judges with rich mediation experience have faster speed of closure than the judges with less mediation experience, there is no overwhelming absolute advantage, and the speed gap of successful mediation is limited.

2) *The judge on the second ladder is the most efficient in handling the case as a whole:* The mediation time of the second ladder judges is 50 days; the first ladder is the same as the third step judge, and the whole time is 53 days; the fourth ladder judges is the slowest, the whole time is 57.5 days; The second ladder is only a week earlier than the fourth ladder judges as a whole. The research shows that the rich experience of mediation can improve the efficiency of the overall mediation of judges, but the degree of influence is limited.

B. Larger Influence of Trial Work Experience

Court in District B has been conducting specialized court hearings since 2014, Civil Adjudication Tribunal No.1 to Civil Adjudication Tribunal No.8 are respectively responsible for different types of civil cases.¹¹ The arrangement of the specialized trial chamber ensures the balance of the team strength of the judges in each major case, so it is an ideal sample for the analysis of work experience and the completion period of mediation. Through the analysis of the cases concluded by civil mediation in 2014-2016, the author obtains the data as shown in "Table II":

1) *The number of mediation cases handled by judges decreases with the increase of working years of judges:* In the annual mediation closure case of Court in District B, young judges with less than 10 years of work experience assume more than 30 mediation cases *each year*, while judges with more than 10 years of work experience assume a slightly smaller number of cases, of which judges with more than 20 years of experience undertake the smallest number of mediation cases. The differences in the number of these cases are mainly affected by the position of the court. In 2014, for example, of the 16 judges with more than 10 years of experience, only four are front-line judges, and all other judges are associate presiding *judges*, presiding judges and the middle-level or *above* leading cadres of the court. In spite of rich working experience, the number of cases assigned to them is small and their burdens in dealing with cases is light; and the focus of the work of the young judge is on the trial of the case, so the number of cases mediated by them is naturally higher.

¹¹ In addition, Juvenile Adjudication Division, Administrative Division and Case-filing Division of District B court also help to share the case burden of Civil Division.

TABLE II. RELATIONSHIP BETWEEN WORK EXPERIENCE AND MEDIATION DURATION

Year	Working Years (Year)	Number of Judges	Number of Mediation Cases (Case)	Mediation Duration (Day)
2014	<3	23	682	66
	3-10	13	392	55
	10-20	11	172	63
	≥20	5	18	75
2015	<3	28	1354	54
	3-10	13	392	44.5
	10-20	8	144	68
	≥20	2	25	66
2016	<3	25	1256	71
	3-10	10	416	57
	10-20	10	133	71
	≥20	2	20	119

2) *The mediation duration decreases first and then increases with the increase of working time:* The data in the table show that judges with 3-10 years of work experience take the shortest time to settle the case, and the mediation duration of cases handled by them is about ten days fewer than that of cases handled by judges with less than three years of work experience; Judges with 10-20 years of work experience mediate cases at the same rate as judges with less than three years of work experience, in which the mediation efficiency does not increase as a result of increased work experience; Judges with more than 20 years of work experience have the longest mediation duration, much slower than a novice who has just entered the court, and is 48 days slower in 2016 than judges with less than three years of work experience.

Combining the findings of these two points with existing research, we can see that the reason why judges who work more than 10 years take longer time in mediation than judges who work for 3 to 10 years is that, in the grass-roots courts, on the one hand, the number of cases allocated to judges working for more than 10 years is small, and the judges have

basically no case burden; the judges, on the other hand, are gradually moving away from trial to more administrative work, which may lead to rudimentary trial business. Therefore, they do not pursue the efficiency of mediation, but care about the benefit mediation closure rate and their performance evaluation. Therefore, on the whole, the trial experience will really affect the efficiency of mediation. But we should pay attention to the fact that mediation efficiency can only become a reality when the number of cases exerts a certain pressure on the judge.

C. Gender Has Little to Do with the Mediation Duration

“Fig. 1” shows details and differences of mediation cases handled by male and female judges in the Grass-roots Court in district B from 2005 to 2016. The following can be seen from the data in the table:

- Generally speaking, the gender of judges has little effect on mediation duration of civil litigation. In the 12-year cases closed by civil mediation in Court in District B, the average mediation period of women was slightly shorter than that of men.
- There has been a shift in the mediation preferences of male and female judges. Before 2011, the average number of cases closed by male judges was significantly higher than that of women, and after 2011, on average, the number of mediation cases per female judge began to increase and gradually exceeded that of male judges.
- The number of cases is the main factor that affects the fluctuation of mediation duration of male and female judges. It can be clearly seen in the table that when the average number of cases completed by male judges through mediation is obviously higher than that of female judges, the mediation duration achieved by male judges is usually shorter than that of women; When the average number of cases completed by male judges through mediation is obviously less than that of female judges, mediation duration is generally longer than that of female judges. Therefore, the number of cases is the key factor that affects the difference of mediation efficiency between male and female judges.

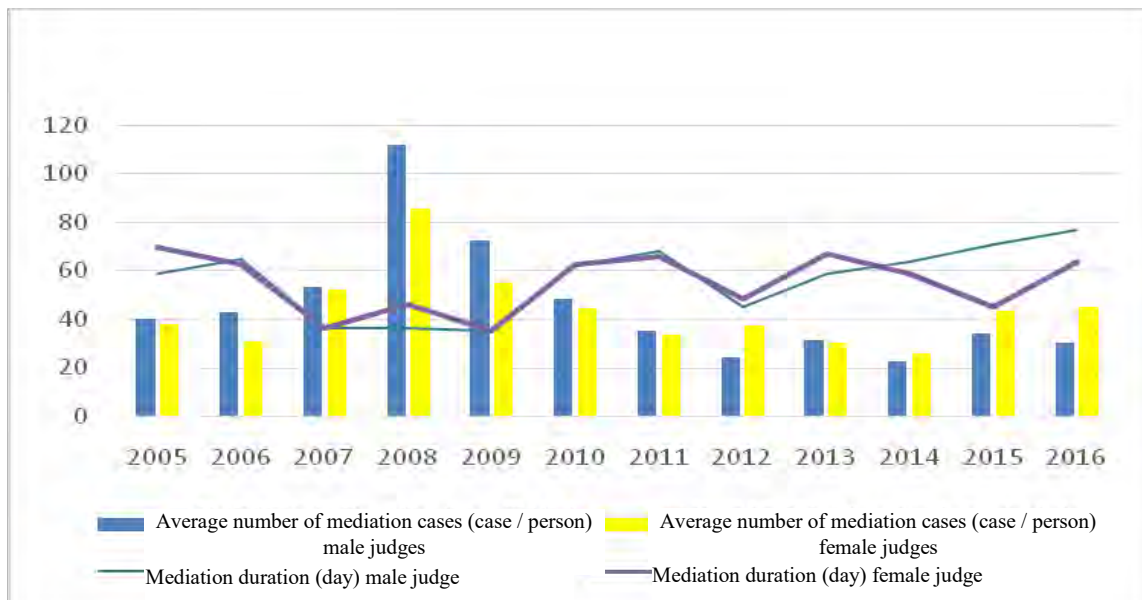


Fig. 1. Details of mediation cases between male and female judges in the Grass-roots Court in District B from 2005 to 2016.

The findings are a powerful critique of "biological determinism," which shows that even in areas where the rules of litigation mediation are relatively absent, women's indecision has more scope. Gender does not determine or affect the efficiency and ability of handling cases.

IV. BASIC JUDGMENT AND COUNTERMEASURES

The above is mainly based on the statistical data, which makes an intuitive observation on the relationship between the mediation duration and the judge in grass-roots courts in China.

A. The Existing Mediation Case Allocation Mechanism Hinders the Improvement of the Efficiency of Litigation Mediation

The data in "Table I" show that the number of judges involved in mediation in Court in District B is large, the vast majority of the cases in which judges participate in mediation do not differ significantly, and there is a lack of logic of thought centralized by experienced and efficient judges. However, mediation capacities of different front-line judges are different, as is evident from the fact that judges with less than three years of working experience are more likely to mediate at a slower rate than those who have worked for 3 to 10 years in the analysis above. However, management of cases is needed in trial activities, which should be focused on as an allocation tool.¹² Allocation of cases is the most basic way to realize this kind of distribution tool, and its importance is self-evident. Allocation of cases is a clear efficiency-oriented work, and a good case allocation model can curb the waste of resources in the trial. However, at first, the problem of mediation cases in China is characterized by random division of cases, and there is a lack of distributive

¹² Andreas Lienhard, Daniel Kettiger. Research on the Caseload Management of Courts: Methodological Questions [J]. Utrecht Law Review. Vol. 7, Issue 1(January) 2011.

management of mediation cases, which is a special product under the trial mode of "mediation first" and "harmony of mediation and judgment". Secondly, there is a lack of matching mechanism for optimizing the distribution of mediation cases. In the case that the mediation withdrawal rate is still a crucial assessment index, judges will inevitably ignore the specific circumstances of the case and their own mediation ability, pursuing the result of withdrawing the case and sacrificing the efficiency of dispute resolution. This is an important reason for associate presiding judges, presiding judges and leading cadres at middle or above levels to delay mediation.

B. The Role of Mediation Training for Existing Judges Is Extremely Limited

Under the mode of "mediation and trial integration" in civil cases in China, mediation is a professional skill that judges must master. Court in District B has been summing up and popularizing the effective mediation experience in practice in an attempt to promote the judges' quick and successful mediation of civil cases. However, the data in Table II show that, while the number of mediation cases tried in Court in District B has not increased significantly over time, the overall mediation efficiency has not shown any significant improvement, but has been improved year by year.¹³

The importance of mediation experience is a common concern of Chinese and foreign practitioners. From the perspective of court staff, lawyers and legal workers, the requirements for the owning of qualities such as skilled

¹³ It should be explained that the period of 2007-2009 in Table I was the most efficient in the 12-year period in District B, where the period of mediation is relatively special. This is because during the period of 2007-2009, District B Court responded positively to the relevant provisions of the Supreme People's Court concerning the positive role of litigation mediation in building a harmonious socialist society. The mediation of civil action is strongly emphasized in the court.

mediation skills and rich mediation experience are not lower than those for the master and application of relevant laws, regulations and policies.¹⁴ The foreign practical departments also specially introduced the iron law of ten categories of people behavior (iron laws) into the learning process of mediators¹⁵; The practice circles in Hong Kong have summed up mediation skills as "communication skills, facilitation techniques, box changing techniques, empowerment techniques, negotiation skills, summing up skills, best and worst option selection techniques, deadlock handling skills, etc.";¹⁶ An Australian mediator summed up his mediation skills as "listening, cognitive, reconstructive, inductive, inquiring, and self-deprecating but decent humor."¹⁷ After many years of mediation practice, Chinese courts have summed up the mediation methods and experiences of "three-paragraph type", "four complete", "five steps", "five hearts", "six characters" and "seven characters". It can be seen that there are different approaches to mediation experience at home and abroad. The guidance of mediation process and steps is emphasized in the experience of mainland China, which can not solve the specific problems in cases, and of which the actual effect is very limited. The knowledge of psychology, anthropology and sociology is widely used abroad and in Hong Kong and Macao, which takes a professional mediation road.

The Court in District B, like other grass-roots courts all over China may provide professional training for judges every year. The trainings are provided by different levels of courts and business chambers. The number of trainings is large, but mediation is not specially emphasized in these trainings, and special mediation training has not been set up. When being asked if the mediation training was helpful, the judge said, "the training is useless, it is stereotypical, and mediation experience mainly depends on individuals."

C. Improving the Way: More Specialized Mediation Judges

Judicial efficiency and fairness can not be achieved without the application of professional skills of judges, "carefully arranging a judge to engage in a special type of case, or to complete a special task and play a special role," "can have a significant impact on the way in which the court resolves a case."¹⁸ The previous study on the relationship between the judges and the mediation duration reveals that the assignment of cases suitable for mediation to judges with rich

¹⁴ The judges at the basic level, Wang Bingyu. *A Study on the Pressure State of the Judges at the Basic Level*, [D]. Chongqing: Southwest University of Political Science & Law. 2011.

¹⁵ Gao Xiaoli. *Alternative Dispute Resolution and Court Mediation in Canada* [C] // Office of the Supreme People's Court Leading Group on Judicial Reform. *Foreign ADR: System, Rules, Skills*. Beijing: China Legal Publishing House. 2012:p120

¹⁶ Long Fei. *Training of Professional Mediators — Sidelights on the Hong Kong Mediation Energy Conservation Training* [N]. *People's Court Daily*. 2011-11-18(06).

¹⁷ (Australia) Pat Kevin Nave. Translated by Zhang Yunhuan. *Interview with an Australian Mediator* [N]. *People's Court Daily*. 2011-3-4(06).

¹⁸ Anne Wallace, Sharyn Roach Anleu, Kathy Mack. *Evaluating Judicial Performance for Caseload Allocation* [J]. *Monash University Law Review*. Vol. 41, No. 2, 2015, pp.456-457.

mediation experience and work experience is the professional trend of conducting mediation. It can also achieve more rational allocation and utilization of court resources, improve the management level of the court, and enhance the judicial ability of the court to resolve disputes. The path of professional mediation judges has a solid system foundation and human resource foundation. The specialization of judges means that distributing cases suitable for mediation to the judges who are experienced, more efficient and have a preference for mediation in the various civil adjudication tribunal. There is not any major institutional change. However, this mode can complement with the court performance evaluation reform and professional trial reform. In addition, the current trial management work to a certain extent has "suppressed the enthusiasm of the judges, resulting in the negative responses and submitting of contradictions of judges due to the heavy pressure"¹⁹. Strengthening the construction of more specialized mediation judges is conducive to the refinement of trial management. In view of this, the author makes the following suggestions:

First, reform the existing mediation case allocation model and establish a scientific evaluation mechanism. It is necessary to set up a comprehensive, real-time and objective judge evaluation system. And it is necessary to describe the portrait of the judge by setting up scientific and reasonable parameters with the help of the intelligent court, so that the distributor of the case can scientifically locate the suitable judge personnel to various mediation cases. In addition, we should consider the character of judges and their preference for mediation, combine the incentive mechanism of judges with the efficiency of handling cases, and realize the win-win situation between the judge himself and the whole court. It should be noted that mediation specialization is limited. Under the condition that the human resources of the basic courts grow more slowly than the increase of the caseload, the other judges with poor mediation and work experience and lack of interest in mediation must also undertake a small number of litigation mediation cases.

Second, change the existing training model of judge mediation. At present, a trend of psychological learning on mediation is gradually developing: Qingdao Intermediate Peoples Court took judicial psychology training as an important part of judges' professional training in 2014. Du Wanhua, a member of the Judicial Committee of the Supreme People's Court, also stressed that the pilot courts in the civil suit trial reform should select judges who have the relevant social psychology knowledge.²⁰ In the research, when asked if there were any suggestions for the relevant training in mediation, Judge D of Court in District B said, "We should train more relevant knowledge of psychology, which will be

¹⁹ Dong Kaijun. *Study on the Basic Theory and Practice of Trial Management under the Situation of Judicial Reform* [D]. Beijing: Law Press· China. 2016: p50.

²⁰ Relevant information sources see: Shi Manxin, Sun Xinxing. *Qingdao judges are keen to study psychology, which not only solves the legal complex but also solves the psychological complex*. [EB/OL]. [2014-10-1], http://news.qingdaonews.com/qingdao/2014-10/01/content_10700659.htm; Sun Guanzhou. *Civil suit judges need to know psychology* [EB/OL], [2017-12-19]. <http://www.panzhihuapeace.gov.cn/system/20171219/000526714.html>

of some help in controlling the psychology of the parties concerned." A grass-roots judge I know also mentioned that, the judges of civil adjudication tribunal of Liaoning Provincial High Court have recommended that judges study psychology. They said that they had all studied and got the qualification of psychology, which was very useful for litigation mediation. As previously analyzed, studying psychology, was originally the preference of mediators in western countries and Hong Kong (China). However, Chinese judges also essentially play the same role as these mediators in litigation mediation. Therefore, it is helpful to improve the quality and efficiency of litigation mediation in China by drawing lessons from western mediation training, especially in psychology and behavioral training.

V. CONCLUSION

The research of this paper shows that the judges with rich mediation experience have a certain efficiency advantage over those with poor mediation experience, but the gap is not large; The judge who is experienced in trial work can improve the mediation efficiency, but when the burden of the case is small, the judge will abandon the mediation efficiency and pursue the mediation rate; and the gender of the judge will not affect the mediation efficiency. Therefore, to improve mediation efficiency, it is necessary to change the current mediation case allocation mechanism and distribute as many mediation cases as possible to those judges who have many years of working experience and rich experience in trial business. Young judges who have just entered the courts can focus on adjudicating cases. In order to cope with the increasing number of cases, the knowledge depth of the judges in mediation should also be increased. And the training for judges' psychology, behavior and other related qualities and abilities should also be strengthened so that judges' professional literacy can better meet the needs of case resolution.

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