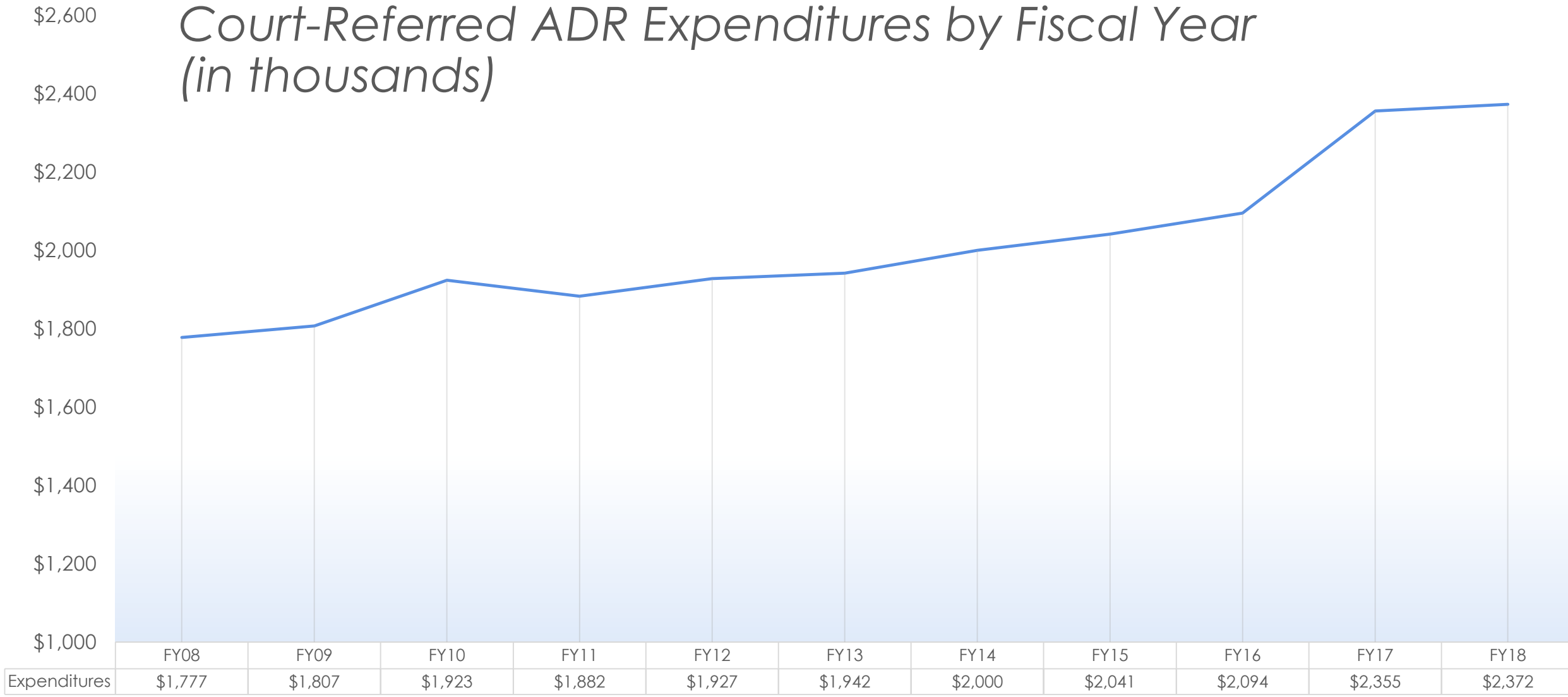




# THE DIVISION OF DISPUTE RESOLUTION SERVICES (DRS)

*Fiscal Year 18 (July 2017- June 2018)*

# Court-Referred ADR Expenditures by Fiscal Year (in thousands)



# MAIN PROGRAMS

Judicial Settlement Conference

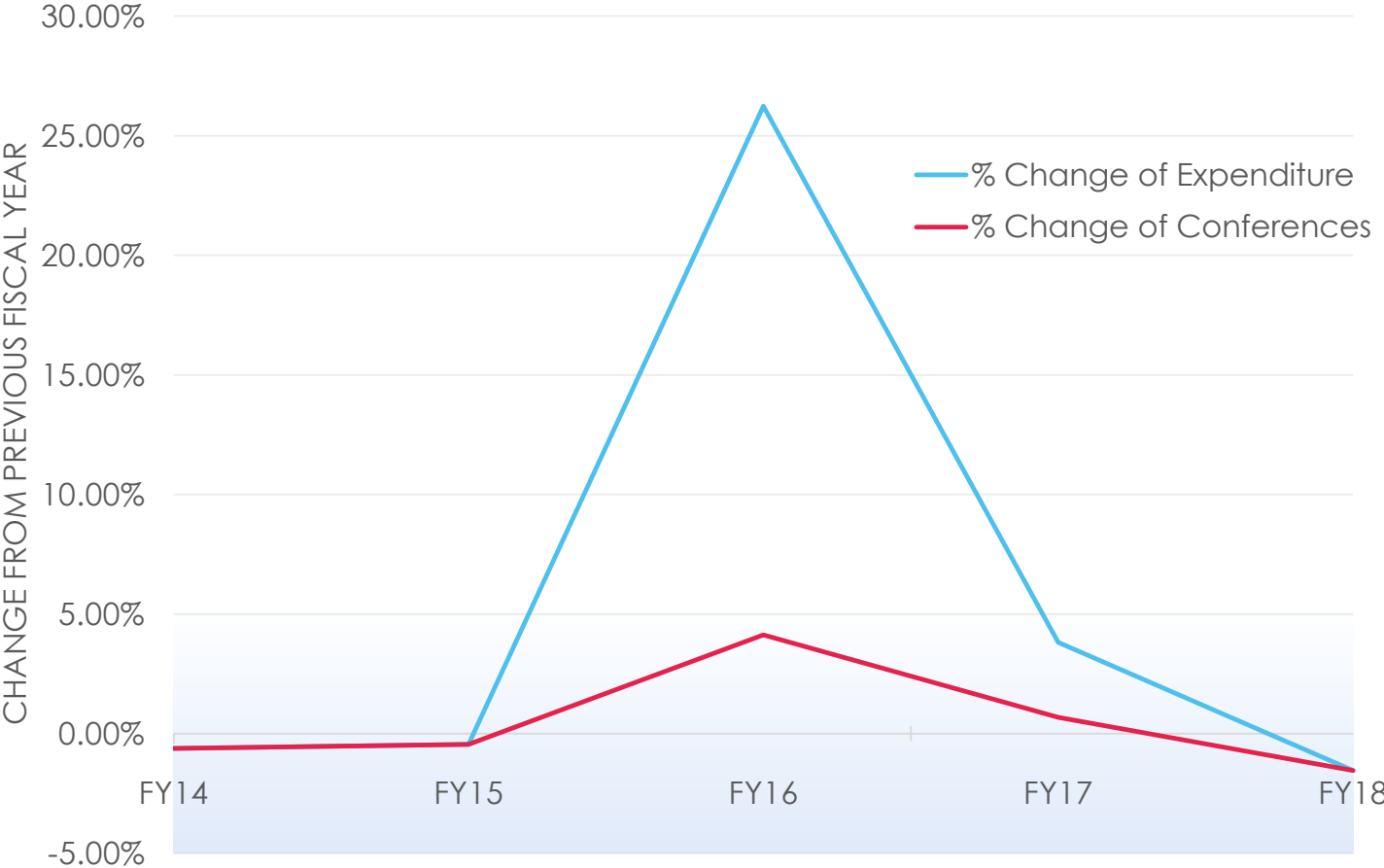
Mediation

Parent Education



# JUDICIAL SETTLEMENT CONFERENCE

*Judicial Settlement Conferences and Expenditures*



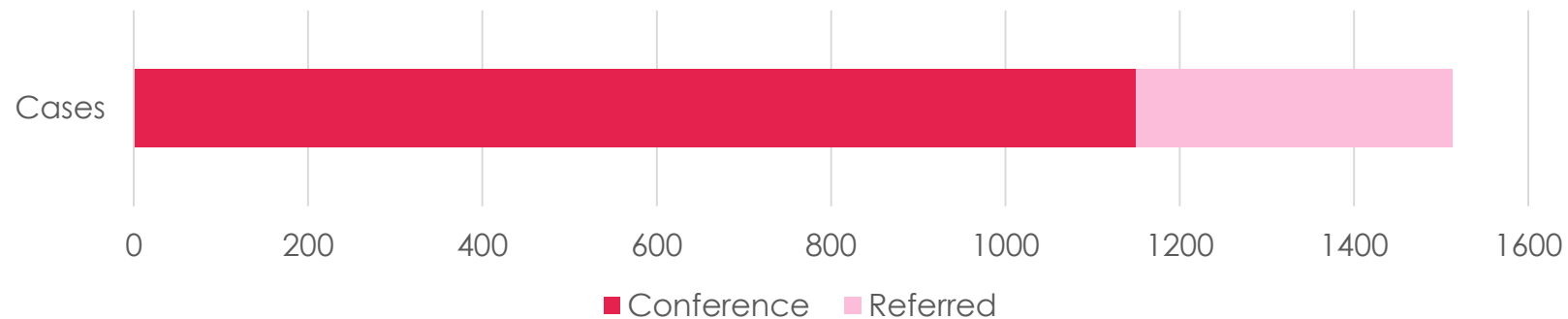
	Conferences	Expenditure
FY13	1,126	\$225,200
FY14	1,119	\$223,800
FY15	1,114	\$222,800
FY16	1,160	\$281,250
FY17	1,168	\$292,000
FY18	1,150	\$287,500

Effective FY16, payment increased from \$200 to \$250 for each conference conducted after 6/30/15

# JUDICIAL SETTLEMENT CONFERENCE

## *Case Information: Referral Tracking*

- From July 1<sup>st</sup>, 2017 to June 30, 2018, **1,513** cases were referred to Judicial Settlement Conference. JSC Judges conducted **1,150** settlement conferences in the same time period.

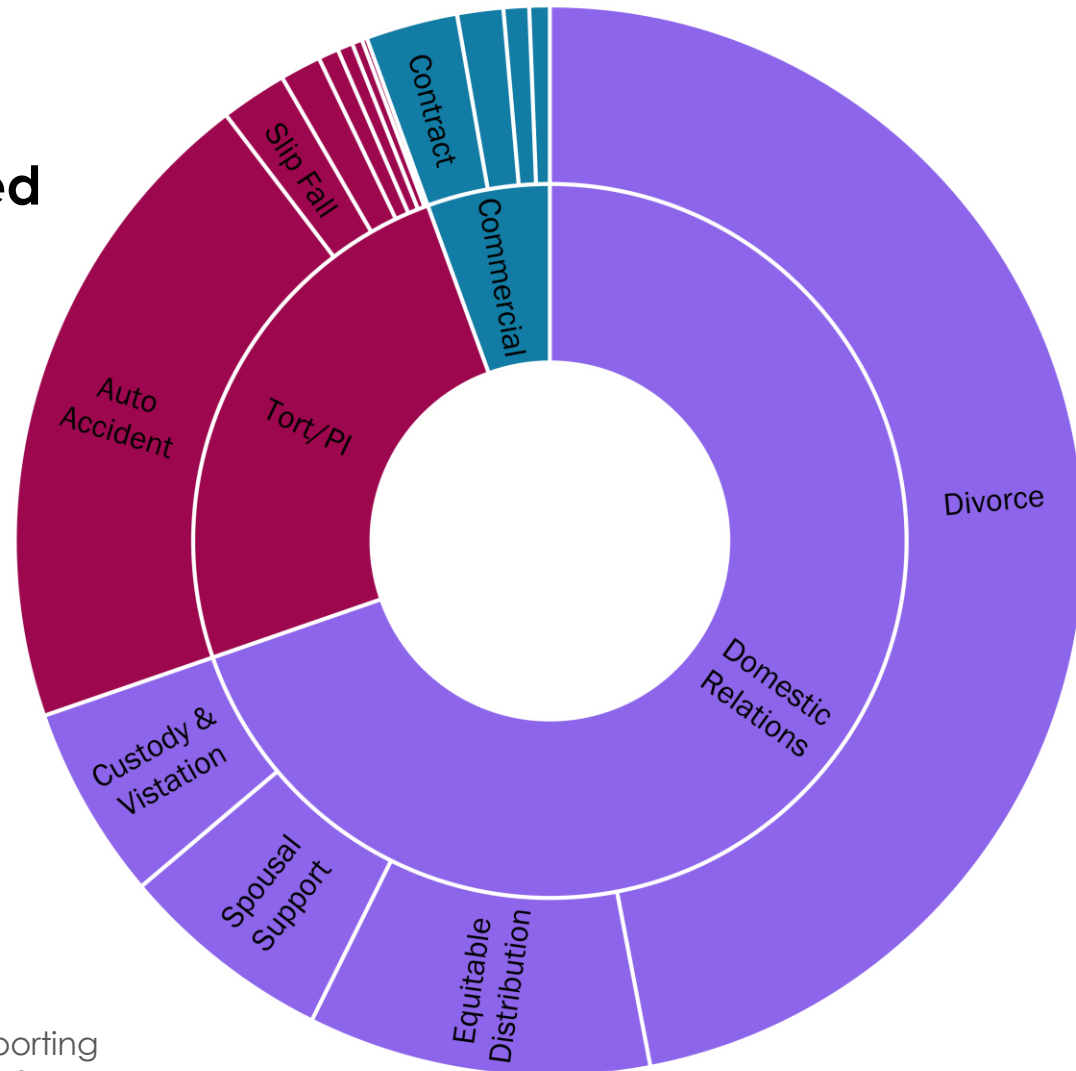


# JUDICIAL SETTLEMENT CONFERENCE

## Case Information: Statistics\*

**Many types of cases can be referred to a settlement conference.**

Domestic Relations	-	58%
Tort/Personal Injury	-	28%
Commercial	-	9%
Miscellaneous	-	5%



\*For cases referred between 1/1/18 and 6/30/18, as the reporting mechanism for case type changed at the beginning of 2018

# JUDICIAL SETTLEMENT CONFERENCE

## *Case Information: Statistics\**

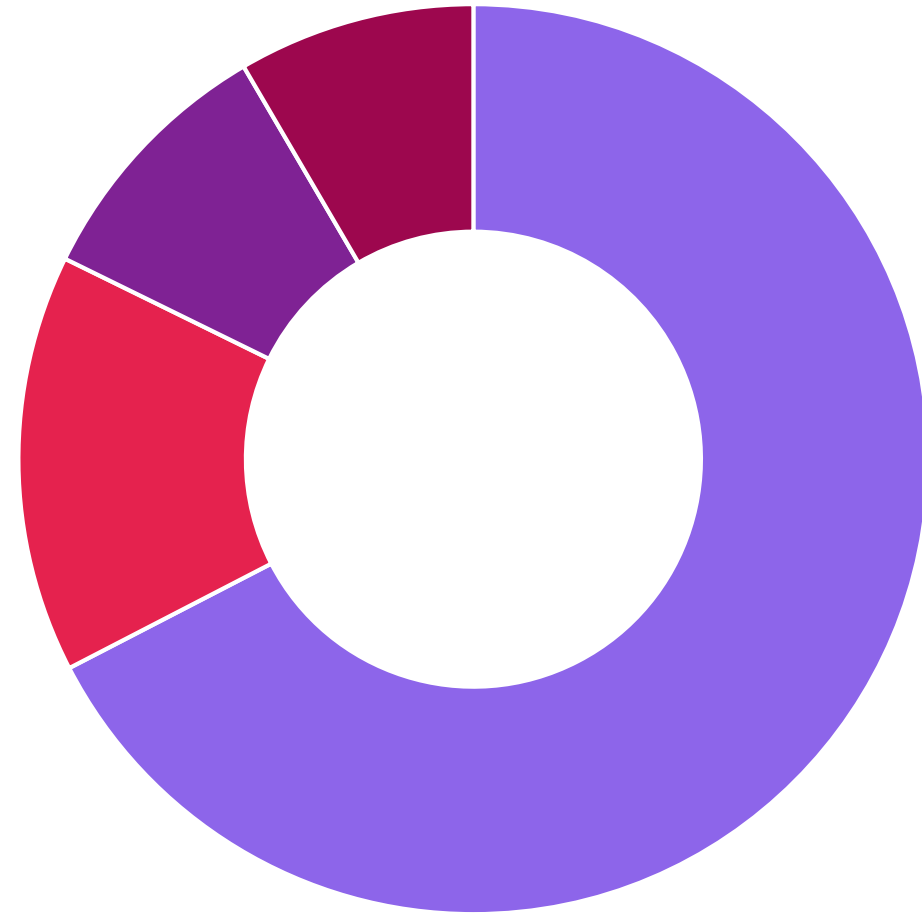
**The numbers below represent domestic relations case types as a percentage of all domestic relations issues.**

Divorce - 67%

Equitable Distribution - 15%

Spousal Support - 9%

Custody and Visitation - 8%



■ Divorce

■ Equitable Distribution

■ Spousal Support

■ Custody & Visitation

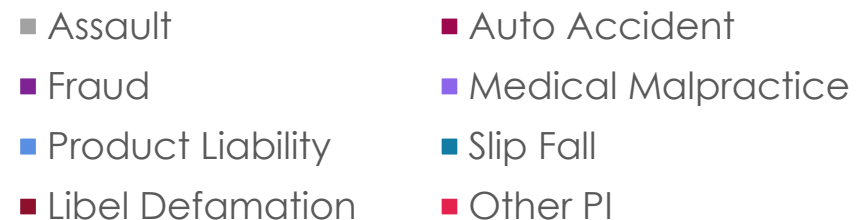
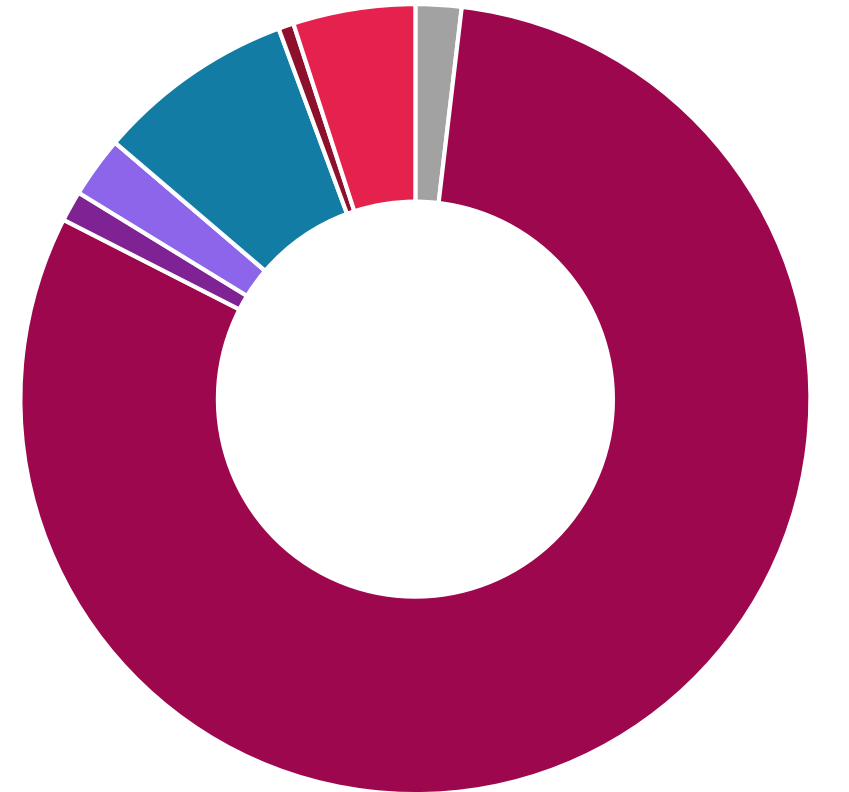
\*For cases referred between 1/1/18 and 6/30/18 as the reporting mechanism for case type changed at the beginning of 2018

# JUDICIAL SETTLEMENT CONFERENCE

## Case Information: Statistics\*

**The numbers below represent tort/personal injury case types as a percentage of all tort/PI issues.**

Assault	-	2%
Auto Accident	-	81%
Fraud	-	1%
Medical Malpractice	-	3%
Slip Fall	-	8%
Libel Defamation	-	1%
Other tort/PI	-	5%



\*For cases referred between 1/1/18 and 6/30/18 as the reporting mechanism for case type changed at the beginning of 2018

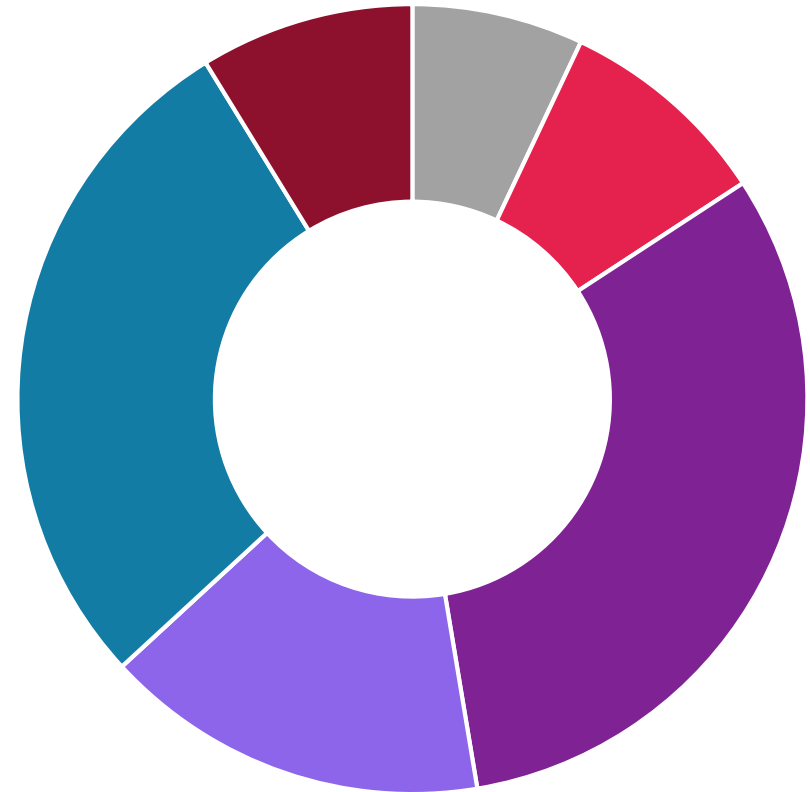


# JUDICIAL SETTLEMENT CONFERENCE

## Case Information: Statistics\*

**The numbers below represent commercial case types as a percentage of all commercial issues.**

Debt	-	7%
Construction	-	9%
Contract	-	32%
Landlord Tenant	-	16%
Condemnation	-	0%
Real Estate	-	28%
Other Commercial	-	9%



\*For cases referred between 1/1/18 and 6/30/18 as the reporting mechanism for case type changed at the beginning of 2018

# JUDICIAL SETTLEMENT CONFERENCE

## Case Information: Statistics

- Average number of days from case filing to referral to JSC: **396** (n=247)<sup>1\*</sup>



- Average number of days from case referral to settlement conference: **78** (n=1101)\*



- Average hours spent in Judicial Settlement Conference: **3.5** (n=1036)\*



\*For cases referred between 7/1/17 and 6/30/18

<sup>1</sup>Case filing date is recorded less frequently than other data points.

# MAIN PROGRAMS

Judicial Settlement Conference

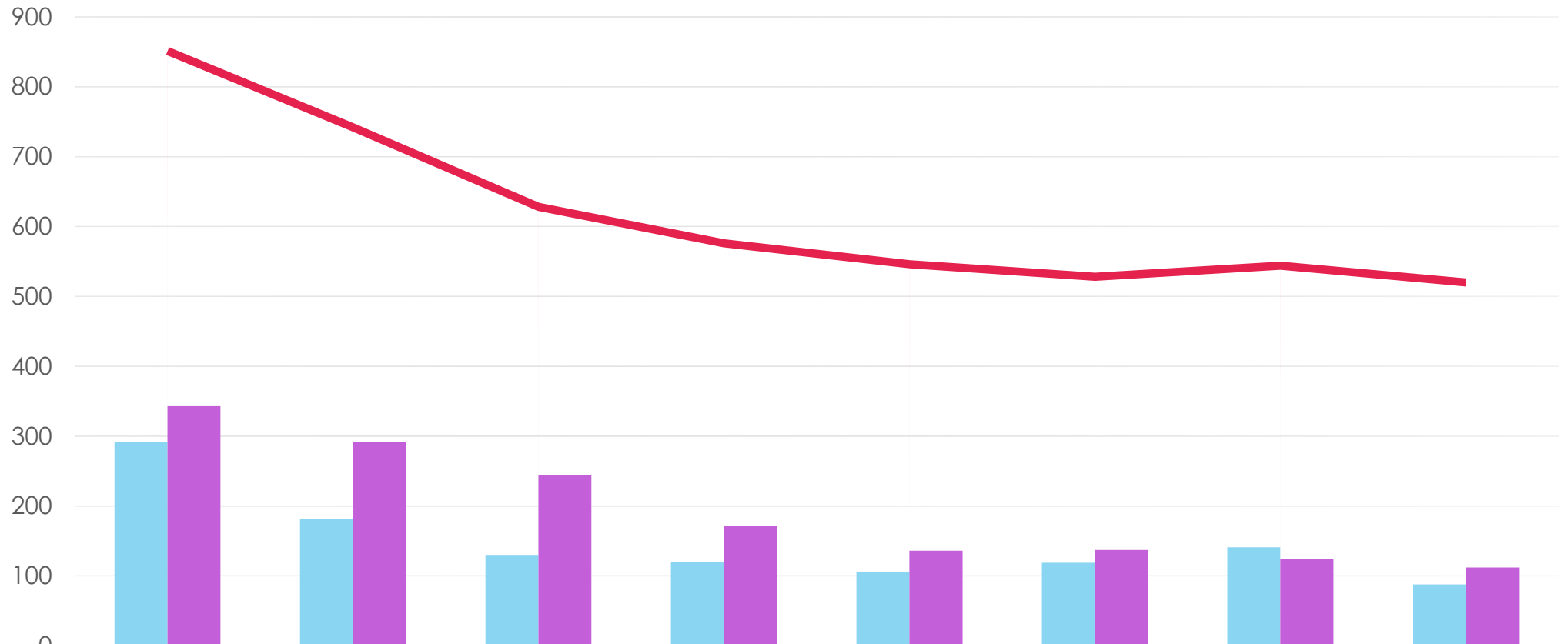
Mediation

Parent Education



# MEDIATION

*Certified Mediators since 2004*



	2004	2006	2008	2010	2012	2014	2016	2018
Newly Certified	292	182	130	120	106	119	141	88
Certification Lapsed	343	291	244	172	136	137	125	112
Total at year's end	851	742	628	576	546	528	544	520

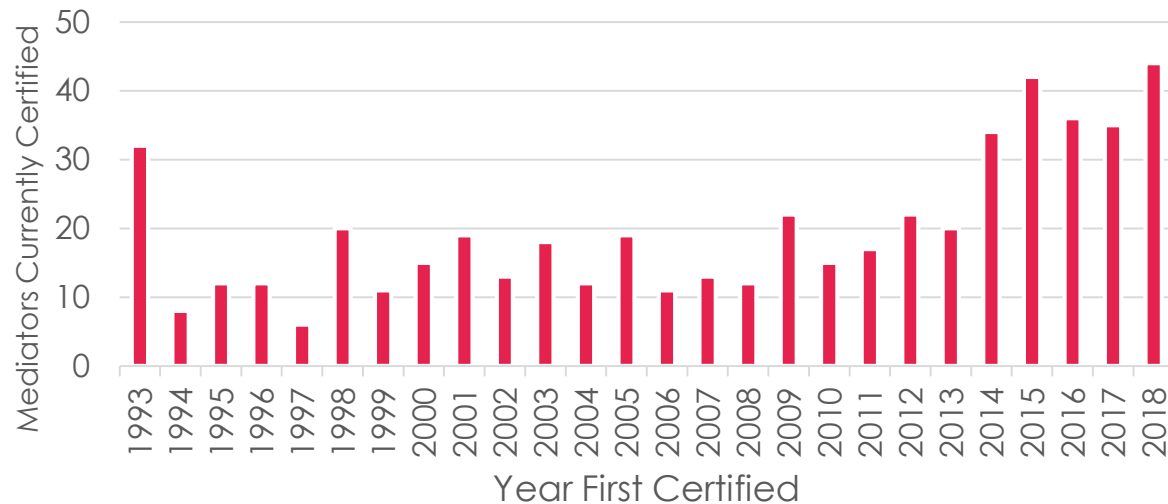
# MEDIATION

## Duration of Mediator Certification

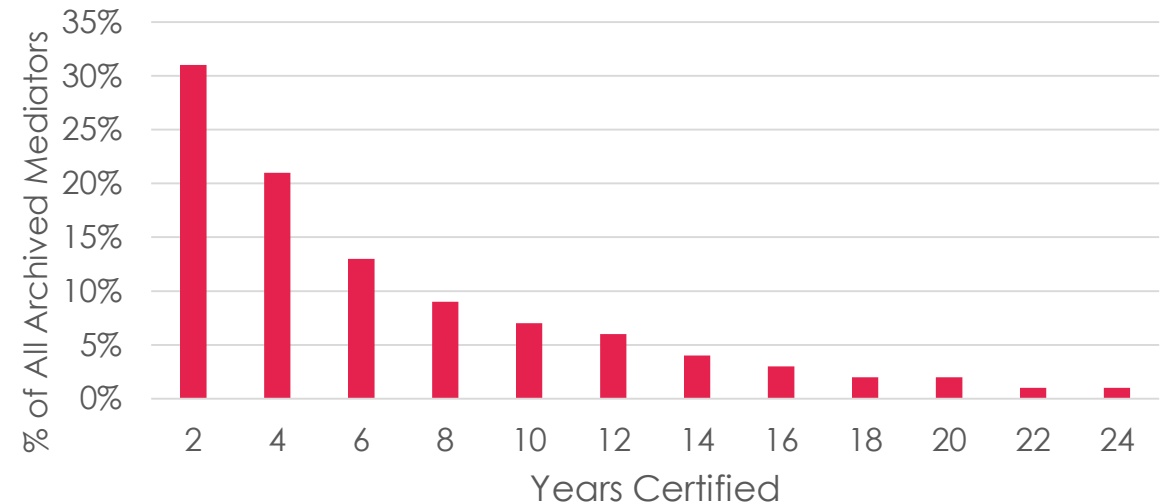
The **median** amount of time a **currently certified mediator** has been certified is approximately **10 years**.

About **17%** of all current mediators were first certified **over 20 years ago**.

Composition of Current Mediators



Years Certified when Lapsed



# MEDIATION

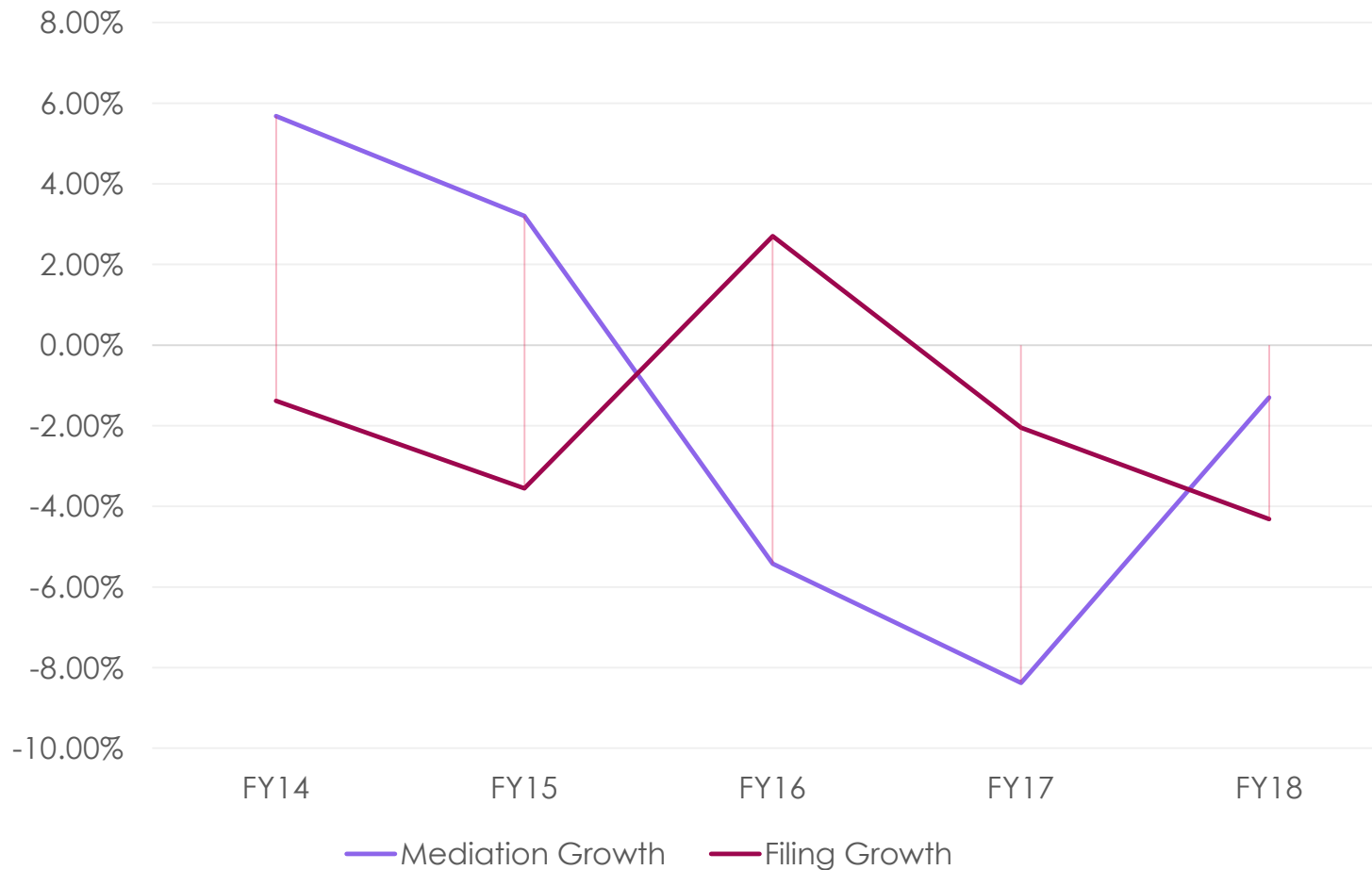
## **Juvenile and Domestic Relations Court – Custody, Visitation, and Support**

Section 20.124.4 of the Code of Virginia authorizes payment for custody, visitation, or support (CVS) mediation. Effective FY17 payment per mediation was raised from \$100 to \$120, and support filings and custody or visitation filings may be billed separately.

Juvenile and Domestic Relations (J&DR) courts can also refer truancy and child dependency juvenile cases to mediation and delinquency cases to restorative justice conference. These cases are paid through contracts with the Office of the Executive Secretary and are not included in CVS mediation totals.

# MEDIATION

Growth rates of CVS filings and mediations

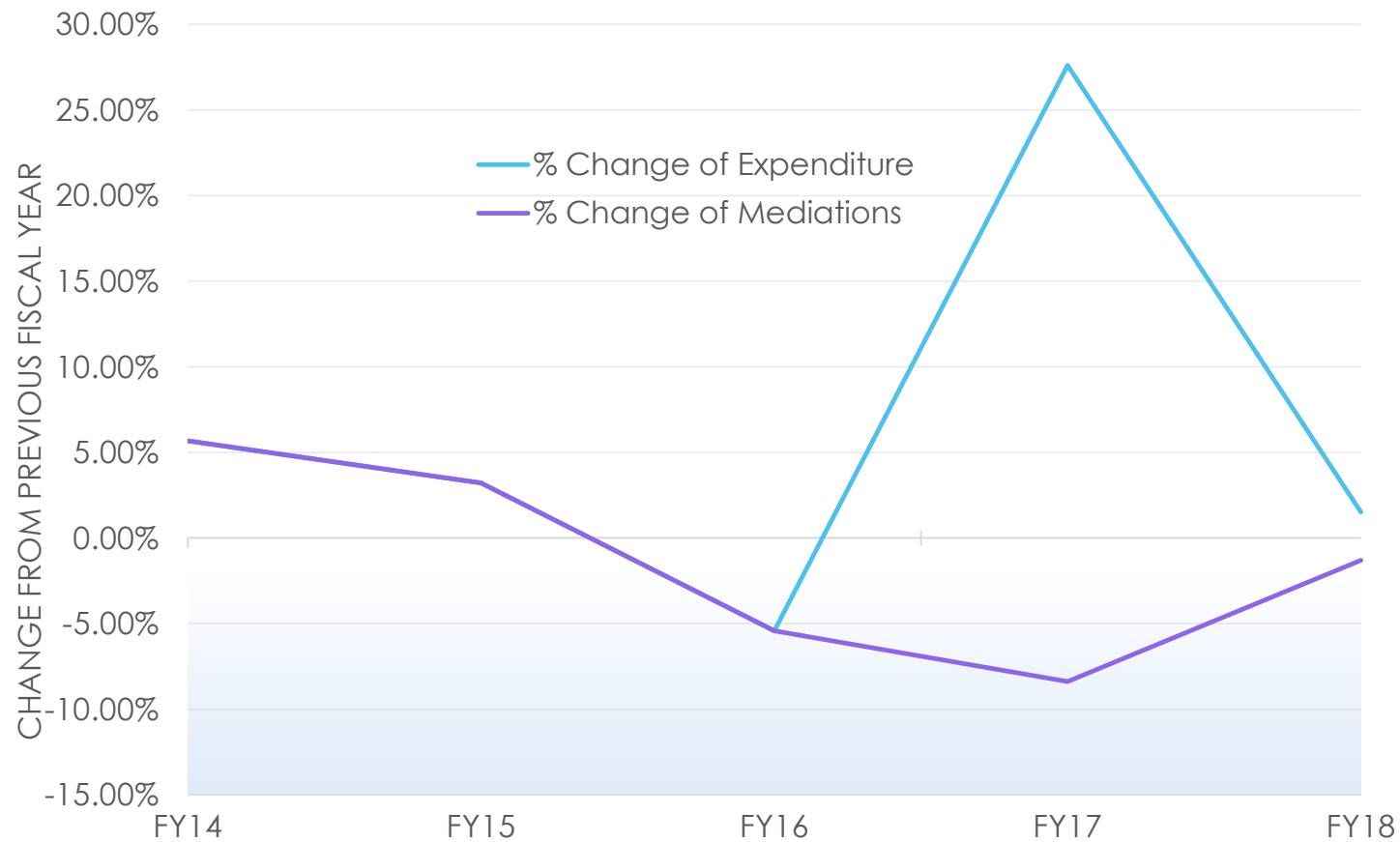


	CVS Mediations* and change from previous FY		CVS Filings and change from previous FY	
FY13	11,745		200,918	
FY14	12,412	5.68%	200,119	-1.38%
FY15	12,810	3.21%	193,015	-3.55%
FY16	12,115	-5.43%	198,233	2.70%
FY17	11,100	-8.38%	194,176	-2.05%
FY18	10,956	-1.30%	185,799	-4.31%

\*FY15, FY16, FY17, FY18 numbers updated in July, 2019

# MEDIATION

*% Change in CVS Mediations and Expenditures*



	CVS Mediations*	Expenditure
FY13	11,745	\$1,174,500
FY14	12,412	\$1,241,200
FY15	12,810	\$1,281,000
FY16	12,115	\$1,211,500
FY17	11,100	\$1,545,920
FY18	10,956	\$1,569,460

Effective FY17, mediator payment per case increased

\*FY15, FY16, FY17, FY18 numbers updated in July, 2019



# MEDIATION

## *FY18 CVS Mediation Information*

These 5 J&DR courts had the highest volume of CVS mediations in FY18

<b>Court</b>	<b>Virginia Beach</b>	<b>Chesapeake</b>	<b>Chesterfield</b>	<b>Henrico</b>	<b>Prince William</b>
<b>Mediations*</b>	1096	915	913	691	672

These 5 J&DR courts experienced the highest growth in CVS mediation volume in FY18

<b>Court</b>	<b>Fairfax County</b>	<b>Goochland</b>	<b>Henry</b>	<b>Madison</b>	<b>Brunswick</b>
<b>FY17*</b>	1	2	2	15	3
<b>FY18*</b>	472	31	19	44	7
<b>% Growth</b>	47100%	1450%	850%	193%	133%

\*FY17 and FY18 mediation numbers updated in July, 2019

# MEDIATION

## *FY18 CVS Mediation Information\**

5 most common J&DR case types mediated	Case type %
Custody and Visitation	30.83%
Support	21.92%
Custody, Visitation, and Support	16.78%
Custody	14.28%
Visitation	9.87%

About **68%** of CVS mediations ended in agreement.

*\*These numbers taken from over 5,000 entries into the Mediation Information System for mediations completed in FY18*

# MEDIATION

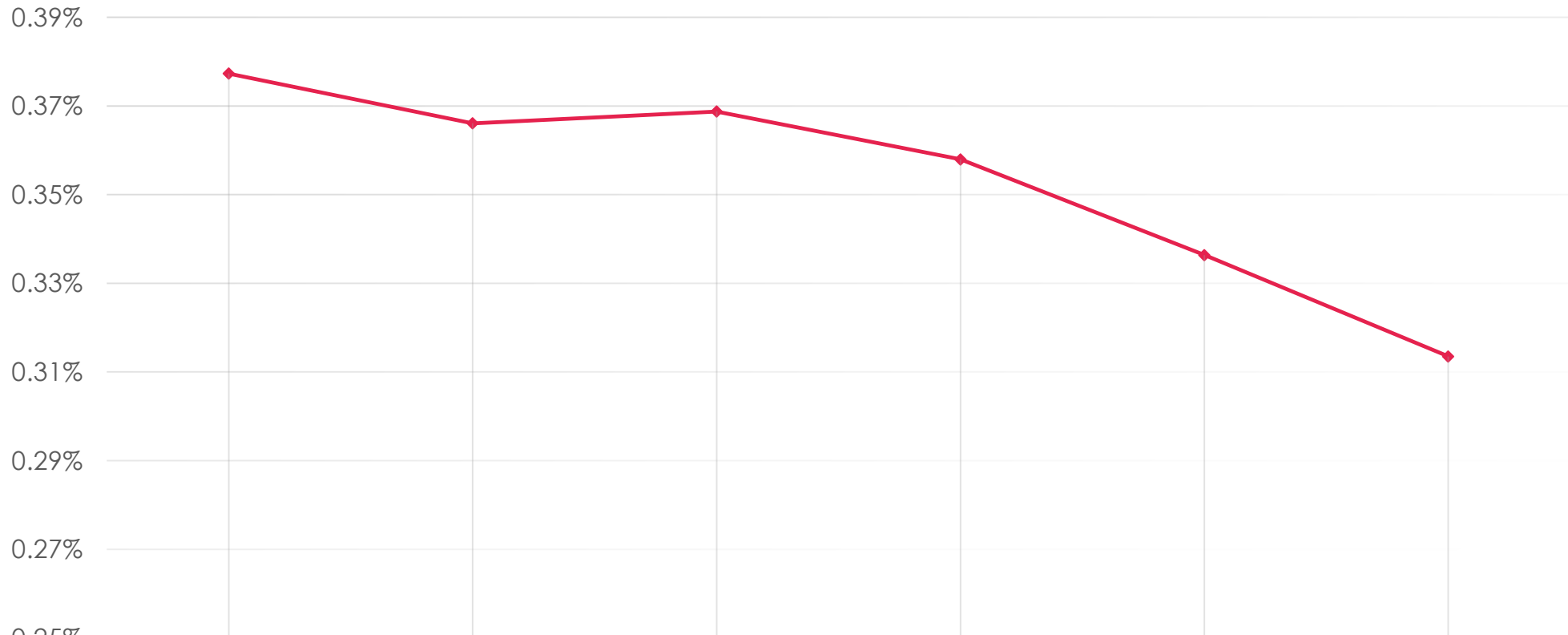
## General District Court Mediation

In FY18, OES contracted with mediation providers to conduct mediations referred from Virginia's general district courts (GDC). Contractors submit invoices for each mediation completed, which include additional information that DRS uses for statistical purposes.

Additionally, NVMS receives funding allocated by the General Assembly of Virginia to mediate cases referred from the Fairfax County Small Claims Court. NVMS mediated **235** small claims court cases through this program.

# MEDIATION

*Estimated Percentage of Statewide GDC Filings Mediated\**



	FY13	FY14	FY15	FY16	FY17	FY18
◆ Mediations/Filings	0.38%	0.37%	0.37%	0.36%	0.34%	0.31%
Filings*	584,653	565,728	545,075	551,192	556,538	577,652
Mediations	2,206	2,071	2,010	1,973	1,872	1,811

\*Does not include show cause, interrogatory, or garnishment filings, as they cannot be referred to mediation

# MEDIATION

## *FY18 GDC Mediation Information*

These 5 general district courts had the highest volume of GDC mediations in FY18

Court	Fairfax County	Prince William	Chesapeake	Alexandria	Virginia Beach
Mediations	330	183	137	128	106

These 5 courts experienced the highest growth in GDC mediation volume in FY18

Court	Page	Winchester	Bedford	Suffolk	Augusta
FY17	5	24	57	33	26
FY18	10	37	75	43	32
% Growth	100%	54%	32%	30%	23%

# MEDIATION

## FY18 GDC Invoiced Mediation Information\*

Case Type	Case Type %
Business/Consumer	16.7%
Contract	14.4%
Employment	1.4%
Landlord/Tenant	53%
Neighborhood	2.7%
Other	11.3%
Personal Injury	1%

About **67%** of GDC mediations ended in agreement.

The average GDC mediation was **1.20** hours long

\*These numbers do not include the mediations referred from Fairfax Small Claims Court

# MAIN PROGRAMS

Judicial Settlement Conference

Mediation

Parent Education



# PARENT EDUCATION

## *Approving Co-parenting Providers*

- In disputes involving a contested custody, visitation, or support petition, the court may require that the parties attend a four-hour co-parenting seminar.
- DRS assists courts with co-parenting seminars through **reviewing provider applications** and through **managing an online directory** of approved seminar providers. Providers are approved by the courts.
- Parent education providers may use an existing curriculum when providing these seminars or they may create their own. Any curriculum must be approved by DRS or the court.



# PARENT EDUCATION

## *Approving Co-parenting Providers*

- Many courts have capped the number of providers listed in their directories.
- A majority of courts will only approve providers that can hold seminars in their locality.
- A majority of courts allows parties to attend seminars conducted by providers approved in other Virginia courts.