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# Acknowledgments

This project would not be possible without the help of a number of people who played a variety of important roles in its success:

**Geetha Ravindra, Esq.**  
**Director, Dispute Resolution Services**  
**Supreme Court of Virginia**

Geetha has been a rock of support from the day we were awarded funding for this project. Geetha served on the Oversight Committee and provided unerring guidance and expertise during the project. While working on the written product, Geetha also provided valuable editorial assistance. Her unwavering support for this process has been invaluable.

**Susan Keilitz**  
**Senior Research Associate**  
**National Center for State Courts**

Susan provided sage advice to us in designing the project and made extremely helpful suggestions as the project progressed.

**Betty Miller**  
**Clerk of Juvenile and Domestic Relations District Court**  
**Williamsburg/James City County**

Betty was a member of the team that originally designed the program and served as the financial manager for the project. She allowed volunteers to invade the record room to collect data every week and offered her staff to work with them to make their jobs easier. Betty has constantly fine-tuned the operation to make it more efficient. This program would have stayed a thought in our minds without Betty's support, endless cooperation, and her desire to find a solution that better served families.

**Court Staff: Karen Roach, Mary Harmon, Rebecca Linn, and Lee Ann Hallman** who filed all the papers, spent endless hours on the phone coordinating the mediation program, and doing extra paper work so data could be collected more easily. This expert team made a transition to the new and untried look easy. They have been a joy to work with during this project.

**Diana Hutchens**  
**Director**  
**James City County Division of Social Services**

Diana agreed for Social Services to take on an expanded role in creating a custody and visitation program that would benefit the families of James City County. Diana has long supported the notion that parents are best equipped to make decisions about their children. Her support for this program demonstrates this continued commitment. As this program has grown, she has successfully obtained new office space to sufficiently house the mediation program in the coming year.

**Anthony Conyers, Jr.**  
**James City County Community Services Manager**

Tony has graciously and with a sense of humor put up with an ever-increasing group of families in the lobby on Tuesday morning and the difficulty in scheduling any meeting room on any Tuesday morning. Tony has provided the needed support for the program and has worked with Diana to locate a new home for the mediation program that will better meet program needs as well as those of the citizens.

**Mary Hubbard**  
**Colleague**

Mary was the other half of the Family Mediation program staff. Mary helped refine the program, design more efficient forms, and was there for the whole tedious process of collecting data for months and months on end. Her unwavering support, her tremendous knowledge, and her famous dry sense of humor were invaluable to the completion of this project.

**Dot Farrell**

Dot is the first smiling face that greets families when they attend the orientation/screening at Social Services. Dot signs families in, views the film with them every week, and answers their endless stream of questions. Dot also does all the copying for the program and keeps the information packets stocked and ready.

**Karen Asaro**  
**Virginia Beach Family Mediation Program**

Karen provided invaluable moral support, read drafts of the project report, and provided her expertise throughout the process.

**The Mediators:** Don Vaden, David Riordan, Eileen Rodden, Sheelah Sodhi, Mary Hubbard, Bill Skinner, Tracy Evans, and Andrea Trotter. Without their incredible dedication to this program there would have been no project. They worked long and hard and supported this project 100% by providing quality mediation services and doing extra paperwork for data collection purposes.

**Volunteers:** Tracy Evans, Nadia Piscini, Stephanie Leek, Audra Mills, Cherie Snyder, Andrea Trotter, Sheila Bojarski, Carol Mason, Nell Craig, Stefan Baugh, Monique Reid, and Christie Beatty. This dedicated group of student interns and volunteers contributed hundreds of hours to the tedious job of collecting data and completing administrative support tasks for the mediation program and the project.

**Nadia Piscini and Cherie Snyder** deserve special recognition for being the backbone of the data collection team. They did the lion's share of the work and they were the constant throughout the process.

**Dr. Robert Gossweiler, Research Director  
Co-Stream, Inc.**

Bob crunched the numbers and put the data in the appropriate computer format.

**Pamela Bulloch, SJI Liaison**

We first met Pamela on a blistering August day in 1999. She was as cool as a cucumber and we were dying in the sweltering heat. She has been unflappable and supportive through this lengthy process. Pamela has taken all of our project changes and new developments in stride. She has shown great compassion for staff she never met and she has been a delight to work with. We thank her for her help and expertise.

**The Honorable Judge Jake Smith  
York/ Poquoson Juvenile and Domestic Relations District Court  
Yorktown, Virginia**

Judge Smith generously agreed for the court cases in York County to serve as the control for the year of data collection and provided access to court records in York County. Judge Smith supported the project even when there was no real gain for his court other than the intrusion of project volunteers into his record room.

**Edna De Christopher, Clerk of Court for York County and the court staff**

Edna and her staff graciously provided the data collectors with space to review records and patiently worked with the data collection staff on a weekly basis for months on end.

**Carolyn Griffith and Sue Frost**  
**York/Poquoson Department of Social Services**

Carolyn and Sue agreed to revise their reporting forms for project purposes, requiring workers to provide additional information to the court. Sue kindly walked grant staff through the process in York County and provided access to view the court process in that locality.

**Dr. Kelly Shaver**  
**The College of William and Mary**  
**Sociology Department**

Dr. Shaver provided a letter of support for this program and also gave us a gifted student, Nadia Piscini, to begin the demanding work of data collection.

**Gene Canova**  
**Graphic Designer**

Gene was the artistic inspiration behind the project. Gene designed covers for the application and the project report that conveyed the meaning of the project at a single glance. We often joked that the cover looked so professional that it alone got the project funded. He also designed an innovative and visually exciting PowerPoint presentation on the project that has been shown at the Virginia Mediation Network Conference and at a State Judges conference.

**Senator Thomas K. Norment, Jr.**

Senator Norment agreed to sponsor legislation to provide permanent funding for mediation across the State. The result was Senate Bill 127 that was passed by the legislature and signed into law by Governor James Gilmore on July 1, 2000.

**Jane Zuberbuller**  
**Hamilton County Court of Common Pleas**  
**Cincinnati, Ohio**

Jane was in the midst of a similar SJI project in Ohio when we were awarded ours. She provided words of wisdom, advice, and a copy of her report. Her support was greatly appreciated.

## **Executive Summary**

The Judge of the Juvenile and Domestic Relations District Court for the City of Williamsburg and the County of James City in conjunction with the Director of James City County Mediation Program submitted a grant application to the State Justice Institute (SJI) in Alexandria in the spring of 1999 to fund a comparative analysis of the appropriate timing of referral of custody and visitation matters to mediation. The project entitled "Evaluating the Appropriate Timing of Case Referrals to Dispute Resolution Services: A Comparative Study" was funded by SJI in the amount of \$40,000 on August 1, 1999.

The study was designed to take a look at two demographically similar counties, James City County and York County, Va., in the Ninth Judicial District to determine whether or not there was any empirical evidence to suggest that early intervention mediation resulted in a greater number of successfully mediated cases than the more traditional approach of summoning the parties to Court for a preliminary hearing prior to a referral to mediation. The genesis of the mediation program in James City County had clearly been driven by necessity brought on by a lack of a courtroom facilities and burgeoning caseloads per Judge. Except for these disparities both jurisdictions would have been operating in the more traditional manner of summoning the parties to Court for a preliminary hearing. James City County's experience in designing a mediation program that essentially included everyone as a candidate for mediation, subject to a screening for domestic abuse issues, suggested that the preliminary hearing tended to polarize the litigants into an adversary relationship from which it was difficult to recover with a successful mediation.

Of the 176 petitions for child custody or visitation files docketed in James City County between September 1, 1999 to August 31, 2000, 59.7% used mediation; whereas of the 262 petitions filed in York County, 38 (14.5%) went through mediation. This represents an almost 4 to 1 ratio and seems to support the thesis that less mediation takes place after a preliminary hearing. The 105 petitions accepted for mediation in James City County resulted in a mediated agreement in 72.9% of the cases, but only 39.5% of the cases in York County resulted in a mediated agreement. Of the 105 petitions in James City County that accepted mediation, 15 (14.3%) were eventually adjudicated by the Court, five (4.8%) had a guardian ad litem appointed and eight (7.6%) had a home evaluation performed. York County, on the other hand, had 59% of the mediated cases being adjudicated by the Court, 47.4% had a guardian ad litem appointed, and home evaluations were scheduled in ten cases. The inference that can be drawn from these statistics is that significantly more resources were devoted to litigation in York County than James City County. This again seems to validate the premise that the preliminary hearing actually promoted litigation and not mediation.

An important by-product of the comparative study was a look at the number of hearings actually taking place in each jurisdiction. Of the 105 cases accepted for mediation in James City County, there was an average of 0.4 court hearings per case and 1.2 mediation sessions per case; whereas in York County there was an average of 1.9 court hearings among the cases earmarked for mediation and 1.7 mediation sessions per case. In conclusion, York County had almost five times more court hearings than James City County.

Another interesting area of the study looked at is the processing times of the two jurisdictions. The median number of days in James City County from petition for custody to the mediation orientation session was only 22 days, whereas the median time between a petition for custody in York County and the preliminary hearing was 43 days. The time from the initial petition until the final order in James City County averaged 48 days in duration, whereas York County took almost twice as long at 92 days. The length of time for scheduling the first mediation session was also significantly shorter in James City County. The first session was scheduled on average 6.5 days from the date of the mediation orientation, while the first mediation session in York County was scheduled 22 days from the date of the preliminary hearing.

In conclusion, an examination of all contested custody and visitation petitions filed in a 12 month period (September 1999 through August 2000) shows that the early intervention mediation program implemented in James City County results in a significantly higher percentage of cases being ordered to mediation, fewer number of hearings and mediation sessions per case, a greater percentage of cases successfully completing mediation in a shorter amount of time, and a dramatically lower percentage of cases being adjudicated by the court in James City as compared with York County. In addition, the statistics indicate that getting litigants to the mediation table as quickly as possible, as opposed to allowing the parties to endure a lengthy wait for the first mediation session, increases the likelihood of a successful mediation outcome. A significant inference that can be drawn from the empirical data is that the preliminary hearing rarely results in a meaningful event for Court administrative purposes and, more importantly, is possibly a significant impediment to a successful mediation.



## **Background of the Project**

The Juvenile and Domestic Relations District Courts in Virginia have jurisdiction over matters such as child custody, visitation, and support. These issues are well suited for resolution through mediation, particularly since the parties need to maintain an ongoing relationship. While District Court judges have received education on the mediation process, its advantages, and the types of cases appropriate for mediation, little attention has been given to integrating mediation or alternative dispute resolution into the calendar management process. Thus, while Juvenile and Domestic Relations District Court judges are interested in referring cases to mediation, and using funding allocated by the General Assembly to support court-referred mediation, they are unsure of the appropriate timing of referral of cases to a dispute resolution process.

The Williamsburg/James City County Juvenile and Domestic Relations District Court was a perfect example of a court in critical need of mediation services. In 1997, this court ranked twelfth among 32 districts in Virginia in the average number of hearings per judge. It was also the second fastest growing community in the State of Virginia at the time. The courtroom space was inadequate and only available two or three days per week. In addition the Judge literally “rode the Circuit” in two neighboring jurisdictions one day a week. The need for a new courthouse was demonstrated more than ten years earlier, but the new facility was not opened until May 2000. This resulted in overcrowded, unpredictable dockets with waiting times for hearings of three to four hours. In addition, the custody and visitation dockets were growing rapidly and required more court time than any other type of case on the docket. Dockets were becoming increasingly overloaded and scheduling cases within a reasonable time was becoming

difficult. Most cases were resolved through litigation, and involved the traditional method of scheduling a preliminary hearing, appointing a guardian ad litem, ordering a home evaluation (which could cost each party \$350), and setting a trial date. The length of time from petition to settlement was often six months or longer. Thus it became imperative that another dispute resolution option be made available to litigants in James City County. In order to offer mediation as an alternative, the court needed to identify the most effective time and method of referral of cases to a dispute resolution evaluation session, and build it into the existing docketing procedures.

In response to these needs, the court submitted a grant application to the State Justice Institute (SJI) in Alexandria, Virginia to fund a mediation project entitled, "Evaluating the Appropriate Timing of Case Referrals to Dispute Resolution Services: A Comparative Study." On August 1, 1999, SJI awarded the court a grant of approximately \$40,000 to conduct the comparative study that began on September 1, 1999.

The project director was Iris Street, a Social Work Supervisor with 20 years experience, with James City County's Division of Social Services and a certified mediator. Ms. Street supervised the mediation program for the court. The project director selected mediators, all of whom were certified by the Supreme Court and had a minimum of a year's experience. All of the mediators had at least a bachelor's degree, and 54 hours of classroom training that specialized in family mediation issues. This training also included classroom time on the Virginia court system and special training in screening for domestic violence and assessing appropriateness for mediation. Each mediator had undergone a mentorship under an experienced mediator and completed

at least two observations and five co-mediations to become certified by the Supreme Court of Virginia (Attachment 8). Three of the mediators were also attorneys.

All the mediators had donated hundreds of hours to the program the previous year when money was in short supply. They had demonstrated a real commitment to the program.<sup>1</sup> The program was, in short, a collaboration between the public sector, which included State and local government, and the private sector.

### **Program Operation**

Williamsburg/James City County instituted a new off-site court mediation program in which the timing of the referral to Alternate Dispute Resolution Services happens much earlier in the process and the families are kept away from the courthouse environment. The program operates as follows; All petitions for custody and or visitation are automatically scheduled for an orientation/educational program before the case ever reaches the court. All families receive a summons to appear on a particular date and time at the Department of Social Services for the orientation program where they: (1) complete a packet of intake forms, (2) receive a packet of educational information, (3) view the educational film **Spare the Child** which describes the effects of conflict and separation on children, and (4) are seen individually in a private setting by a certified mediator for a domestic violence screening, court history and educational session about mediation services.<sup>2</sup> The Court is then informed of the

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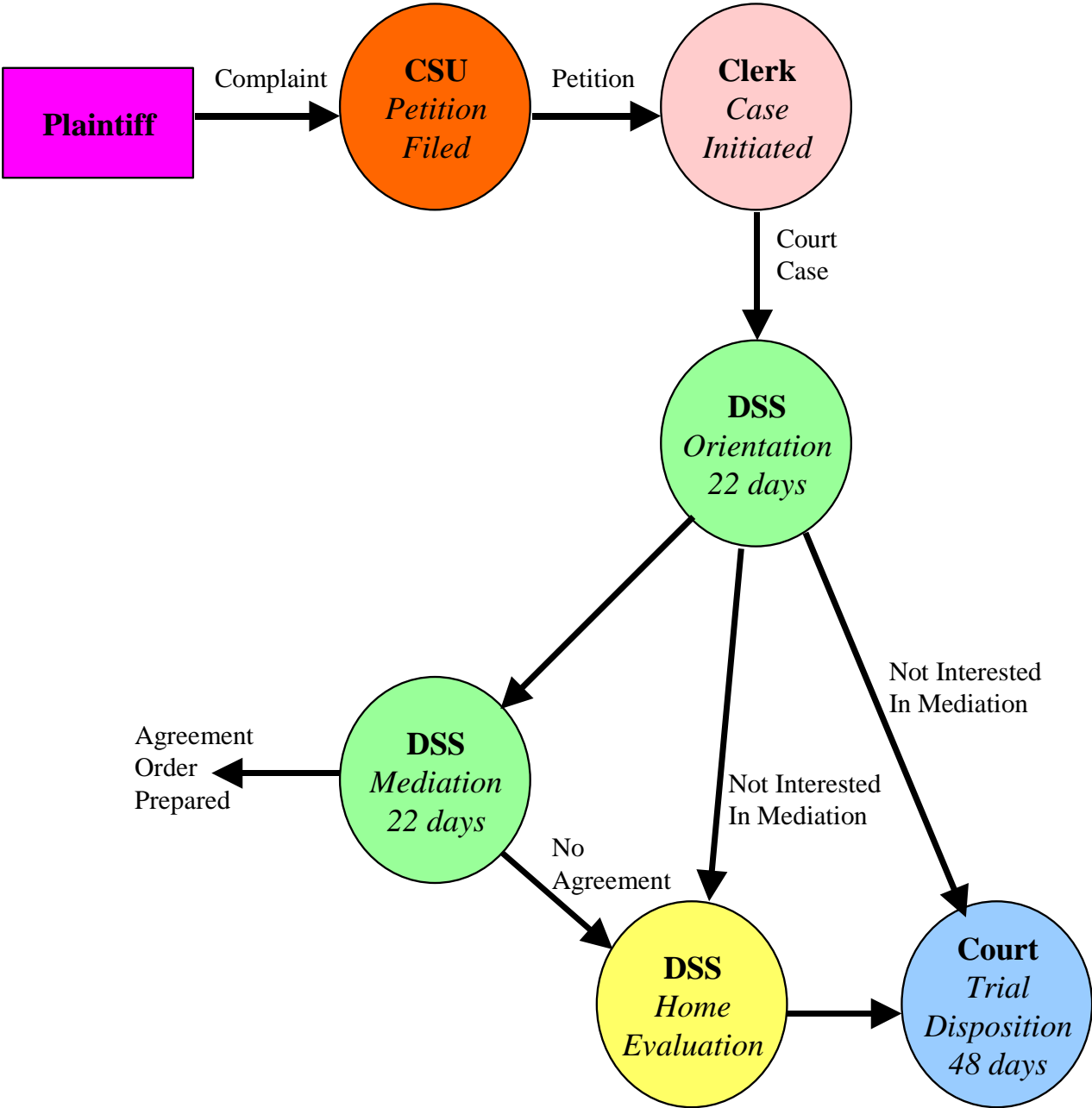
<sup>1</sup> The off-site court program had actually begun one year prior to the project, so the program had already gained some measure of acceptance from the local bar and the general public. This meant during the study the fine-tuning experienced by any new program had already taken place and the program was stable. A newspaper article, a talk show on the local government cable channel, and a talk by the Judge to the bar association had all occurred the previous year.

<sup>2</sup> Families where one party is currently residing at the local Battered Women's Shelter or have known histories of domestic violence are scheduled for different orientation days.

outcome of the orientation/screening by a communication form sent through inner office mail.

Families determined to be candidates for mediation are assigned to one of the mediators and the first appointment is scheduled on the same day as the orientation session. If the family settles all of their issues in mediation, the agreement is incorporated into a final order of the Court without the appearance of the parties. Unresolved cases are referred without court intervention for home studies, a guardian ad litem is appointed and the matter is set for a hearing on the contested custody docket (Attachment 10)

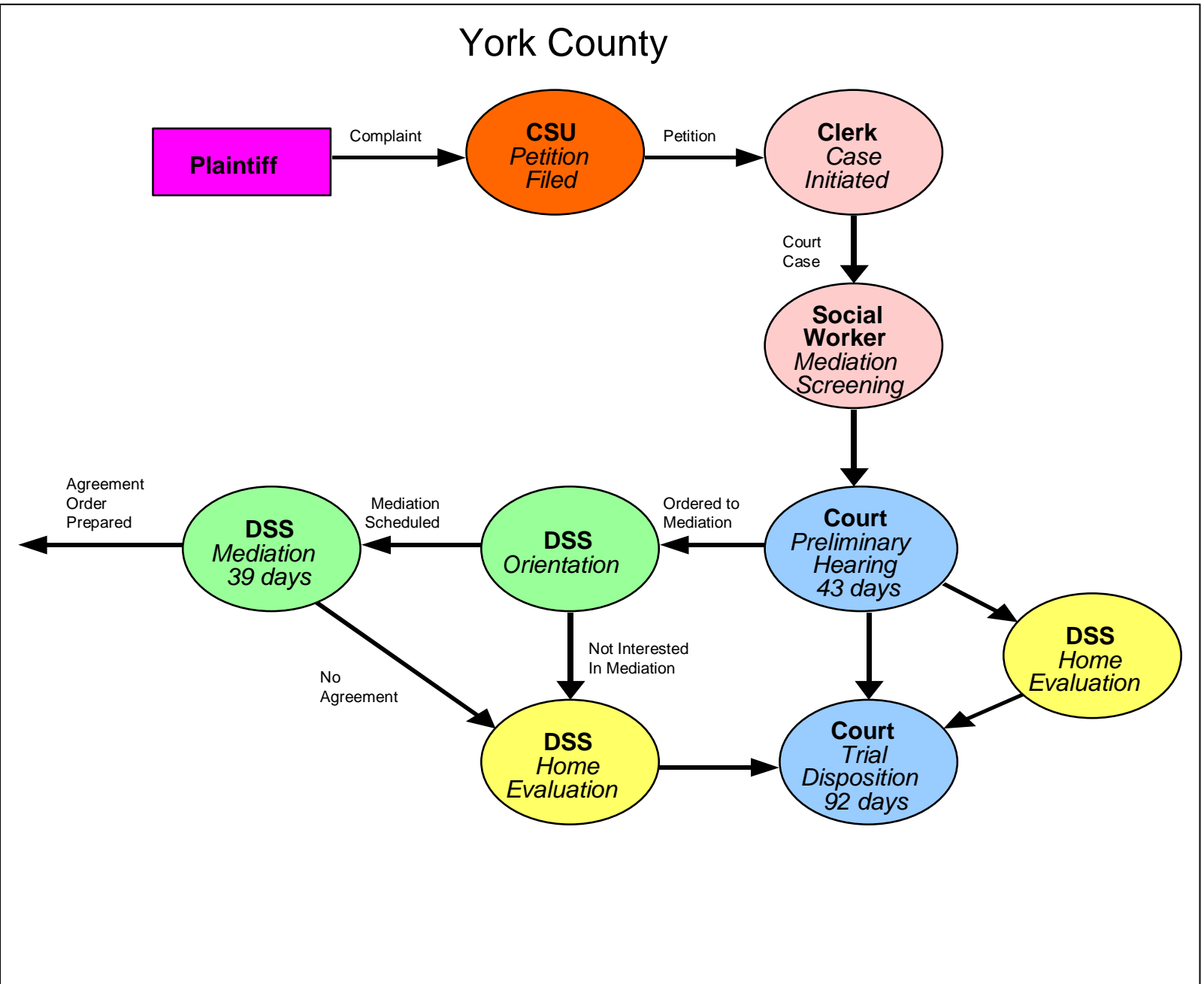
# James City County



York County Juvenile and Domestic Relations District Court agreed to continue operating in the traditional way that the two localities had operated for years. There was no real benefit to York County for their cooperation and the extra work required by both Social Services and the Courts and their generosity in participating in the study cannot be overvalued. As custody and visitation petitions were filed, cases were set for a preliminary hearing. York County's program operated in the following way. Families were summoned to appear at court for their preliminary court hearing at 8:00 a.m., approximately one hour earlier than the court hearings before the Judge. The families met with the court liaison person from Social Services who obtained detailed information about their case, assessed areas of agreement, and recommended a settlement route for the case. The written recommendation made by the court liaison was filed in the court record and given to the Judge prior to the hearing. The Judge appeared to rely heavily on the input of the Social Service liaison and frequently a final order was entered at the preliminary hearing. Temporary orders for home evaluation and mediation also were entered at this time for some cases.

When mediation was ordered, the family was referred to York/Poquoson Department of Social Services for an orientation session at the local agency. The local agency received the referral and contacted the parties to schedule an orientation session. The case was assigned to a certified mediator/social worker by the program supervisor. Midway through the study the Judge began to order the parties to attend the orientation on a particular date. Families participated in an income screening to determine if a fee would be charged for mediation and/or home evaluation. Mediation was scheduled and continued as long as the mediator determined there was progress

being made, and the parties were willing to participate. When agreement was reached, a Memorandum of Understanding was drafted and signed by the parties and submitted to the court.



When mediation was determined to be inappropriate or was unsuccessful, the family was usually ordered to home evaluation. While the case remained on the docket, Social Services filed written reports with the court every six weeks and requested continuances if the process ordered by the court was not complete. This process continued until the case was heard and cleared from the docket.

### **Research Methodology:**

When the project began, an Oversight Committee comprised of Judge George C. Fairbanks, IV; Iris Street, Project Manager; Betty Miller, Clerk of Court; Donald Vaden, Mediator; Geetha Ravindra, Director of Dispute Resolution Services for the State of Virginia; and Don Hardenbergh, project evaluator, was formed. The committee met to discuss the data collection method to be employed, the type of data collection instrument needed, and the resources needed to collect the data. The project evaluator, Don Hardenbergh, participated in this process and designed the data collection instrument. Because the number of cases was relatively small, it was determined that the comparative study should include *all* custody and visitation cases, as well as motions to amend, docketed in both jurisdictions whose initial hearing occurred between September 1, 1999 and August 31, 2000, instead of a sample of cases. York County and James City County, Virginia are both communities of approximately 45,000 residents with similar demographic, population, and judicial caseloads both serving the Ninth Judicial District. With the exception of the different mediation processes, the two communities are very similar.



Data was collected on all J&DR cases in which a petition was filed between September 1999 and August 2000, in both York County and James City County. The actual data collection began on a weekly basis in January of 2000 and ended mid-October of 2000. Students from The College of William and Mary and Christopher Newport University were trained to use the data collection instrument (Attachment 1) by the Project Manager, Iris Street. The data was gathered by reviewing the docket to identify the cases to be examined. A data collector physically examined the appropriate case file, and the data collection sheet was completed. A Social Services staff person was present at all data collection times to supervise the student volunteers and ensure continuity of data collection. The final data collection occurred in both jurisdictions in mid-October. Any cases pending at that time were excluded from the study since there were no available results.

The initial format for the data collection form had anticipated using manual data entry to transfer the data to a computer database for the Project Evaluator. Midway through the data collection, a company offered to perform the data entry using machine-readable data forms. Dr. Gossweiler, Research Director for Co-Stream, Inc. reconfigured the data collection instrument to make it easier for the computer to "read" the handwritten information. A reallocation of funds was approved by SJI for this purpose. The data was delivered on compact disk for the Project Evaluator to analyze. In January of 2001, Don Hardenbergh began working on the evaluation.

One of the first problems encountered was the unexpected low number of cases that were referred to mediation by York County Courts. The Oversight Committee met and discussed whether to widen the sample by including cases whose preliminary

hearing had occurred prior to September 1, 1999. The Oversight Committee decidedly felt that the project should stick to the initial criteria and not widen the scope of the sample regardless of the number of mediation cases York County provided. In fact, it can be argued that the low number of mediation referrals in York County was the result of that County's method and timing of referral to mediation, which is exactly what the project intended to evaluate.

The length of time that it took to collect the data had been greatly underestimated. Access to records in both jurisdictions was only available one day per week due to the busy nature of court days. York County is a very busy courthouse and staff graciously gave us free access to all records on Wednesdays, while the Judge was sitting in other jurisdictions. The length of time to pull records, copy dockets, review data, record it, and re-file cases all took much longer than anticipated. Initially, it was thought that one student would be sufficient to assist the two paid Social Services staff person. Upon realizing this would be insufficient, Legal Studies interns from Christopher Newport University were trained to supplement the student from The College of William and Mary. Through various contacts with the academic community, additional students were identified for the summer months and, thankfully, had one student that began in January and continued with the project through October.

## **The Findings**

There were a total of 176 petitions for child custody, support, or visitation in James City County (JCC) that were sent to an initial orientation session at the Department of Social Services (DSS). Of these, 105 (59.7%) went through mediation,

another 17 (9.7%) had a home evaluation performed without mediation, 46 (26.1%) had a court order (other than as a result of mediation) entered, and 53 (30.1%) were dismissed by the court, usually for failure to appear. (See Figure 3)

In York County, a total of 262 petitions were filed. Of these, only 14.5% were mediated, while 11.5% had a home evaluation (without mediation), 68.3% had a court order (other than as the result of mediation) entered by the court, and only 9.9% were eventually dismissed.

A quick comparison indicates that many more cases were mediated in James City County (60% compared with only 15% in York County), while York County had a much higher rate of cases resulting in a court order entered not as the result of mediation (68% in York County compared with only 26% in JCC). This is evidence of considerably more of the court's time being taken with disposing of these types of cases in York than in JCC.

**Figure 3: Outcome of Orientation or Preliminary Hearing**

OUTCOME	JCC		YORK		TOTAL
	Number	Percentage	Number	Percentage	
Mediation Ordered	105	59.7%	38	14.5%	143
Home Evaluation (no mediation)	17	9.7%	30	11.5%	47
Court Disposition (no mediation)	46	26.1%	179	68.3%	225
Dismissed	53	30.1%	26	9.9%	79
Total Petitions	176	100.00%	262	100.0%	438

Percentages do not add to 100 %, because some cases had more than one outcome.

Note: Most cases are dismissed because parties do not appear.

Overall, it would appear that the processes used in York County discouraged parties from seeking to mediate their disputes.

## Results of Mediation

Of the 105 petitions that accepted mediation in JCC, 72% ended with an agreement, while only 40% of the York County mediation cases ended in an agreement being reached. Not only were many fewer cases mediated in York County, those that were had a much lower settlement rate.

**Figure 4: Petitions in Which a Mediation Agreement Was Reached**

<i>Was A Mediation Agreement Reached?</i>	<i>JCC</i>		<i>YORK</i>	
	Number	Percentage	Number	Percentage
<b>YES</b>	76	72.4%	15	39.5%
<b>NO</b>	29	27.6%	23	60.5%
<b>Total Petitions</b>	105	100.0%	38	100.0%

Information was collected on the eventual outcome of those cases that accepted mediation in both jurisdictions. Of the 105 petitions in JCC that accepted mediation, 15 (14.3%) were eventually adjudicated by the court; five (4.8%) had a guardian ad litem appointed, and eight (7.6%) had a home evaluation performed.

In York County, 58% of the 38 mediation cases ended up being adjudicated by the court, and nearly half of the cases (47.4%) had a guardian ad litem appointed. Home evaluations were scheduled in ten cases (26.3%). Again, many more resources were devoted to litigation in York County than in JCC, and a much higher rate of cases ended being heard before a judge in York County than JCC (See Figure 5).

**Figure 5: Actions or Events of Mediation Cases**

<i>Event</i>	<i>JCC</i>		<i>YORK</i>	
	Number	Percentage	Number	Percentage
<b>Home Evaluation</b>	8	7.6%	10	26.3%
<b>Guardian Ad Litem Appointed</b>	5	4.8%	18	47.4%
<b>Adjudicatory Hearing Held</b>	15	14.3%	22	57.9%
<b>Total Petitions</b>	105	100.0%	38	100.0%

**Number of Hearings**

Not only were more cases mediated in JCC with considerably fewer cases having to be adjudicated by the court, but it was accomplished with significantly fewer hearings or mediation sessions. Among the 105 JCC cases in which mediation was accepted, there were an average of 0.4 court hearings per case and 1.2 mediation sessions per case.

In York County, there were an average of 1.9 court hearings among cases accepting mediation (almost five times the rate in JCC) and 1.7 mediation sessions.

**Figure 6: Average Number of Court Hearings or Mediation Sessions per Case**

<i>Hearings / Sessions per Case</i>	<i>Mediation</i>		<i>No Mediation</i>	
	<i>JCC</i>	<i>YORK</i>	<i>JCC</i>	<i>YORK</i>
<b>Ave. Number of Hearings</b>	0.4	1.9	0.5	1.0
<b>Aver. Number of Sessions</b>	1.2	1.7	0.02	0.1
<b>Total Records</b>	105	38	71	22.4

## Processing Times

A key element in assessing the overall effectiveness of any mediation program should be the time it takes to reach a disposition. Mediation has, as one of its goals, quicker resolution of cases with fewer judicial resources. So any comparison of programs needs to examine the relative times between major case events.

All times are measured in days and most time intervals are measured from the date that the petition is filed. The major events in the case are: (1) date petition is filed; (2) date case is ordered to mediation; (3) date of first mediation session; (4) date case is dismissed; and (5) date a decree is entered.

The following table shows that, in every instance, cases in York County took considerably longer to process than did JCC. For example, the median number of days in JCC from petition to the orientation was only 22 days, while it took a median of 43 days for the case to reach the preliminary hearing in York.<sup>3</sup>

**Figure 7: Median Number of Days Between Events**

	<i>Time to Preliminary Hearing</i>	<i>Time from Petition to Order for mediation</i>	<i>Time from Petition to Dismissal</i>	<i>Time from Petition to 1<sup>st</sup> Mediation Session</i>	<i>Time from Petition to Decree</i>
<b>JCC</b>	22	22	38	34	48
<b>York</b>	43	39	46	56	92

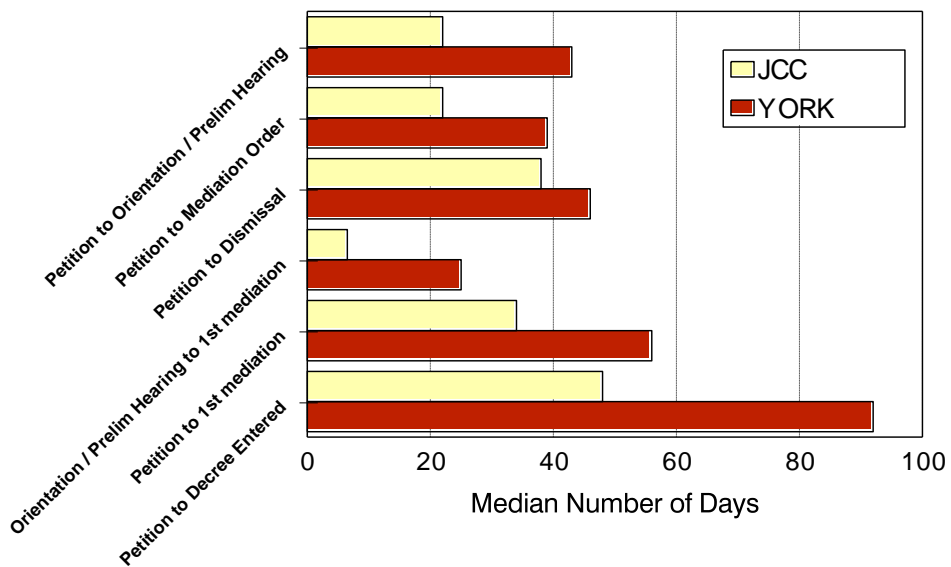
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<sup>3</sup> There is no preliminary hearing held in JCC. All cases are automatically scheduled for a mediation orientation session. This is comparable to the preliminary hearing event held in York County.

Usually the order for mediation is issued the same day as the orientation in JCC (22 days). In York County the median number of days from petition being filed to the order for mediation is 39 days. The median time from petition to the first mediation session is 34 days in JCC, while in York County it takes another 22 days for a total of 56 days. It takes nearly twice as long for a final decree to be entered in York County (92 days compared with 48 days).

JCC also did better when it came to scheduling the first mediation session because it could be scheduled immediately at the orientation session that is attended by both parties to the case. The median time from the orientation session to the first mediation session was only 6.5 days in JCC while it took 25 days in York County.

**Figure 8: Median Number of Days Between Case Events**



## **Findings**

An examination of all petitions filed for a 12 month period (September 1999 through August 2000) shows that the process used in JCC resulted in a significantly higher percentage of cases being ordered to mediation, a greater percentage of cases successfully completing mediation, and a dramatically lower percentage of cases having to be adjudicated by the court than in York County. Furthermore, on average, cases in JCC had fewer numbers of hearings per case and fewer mediation sessions per case. Finally, cases in JCC took much less time at every stage of the case, resulting in cases being disposed of faster with fewer judicial resources being consumed.

## **Summary**

The process in James City County errs on the side of being inclusive in involving parties in mediation while the process in York County seems to be more discriminating in who it allows into the mediation process. The statistics in the study shows that 59.7% of the cases in JCC utilize mediation in the dispute settlement process while only 14.5% of the cases in York County utilize mediation.

Such a large percentage of the cases are being litigated in York County (68%), an inference can be drawn that more of the court's time is being taken up with adversary proceeding governed by the rules of evidence. Arguably adversary proceedings produce appeals because of the unhappiness of one of the parties to the litigation, which produces a whole set of *de novo* hearings in the appellate court.



Another statistic that seems to bear out that York County is spending a more time trying cases, is that York County has five times the number of hearings for visitation and custody cases than does James City County.

For each case not resolved by mediation, there is a significant monetary impact. In York County 57.9% of the cases have an Adjudicatory hearing, while in James City County only 14.3% of the cases having an adjudicatory hearing. Each case carries a price tag in the form of the home evaluation cost and funds to pay the guardian ad litem. These cases can run from the hundreds of dollars to the thousands of dollars.

One of the most important premises of the program was that the preliminary hearing was a meaningless event that only served to frustrate and anger the parties. It was this program's contention that if families could get to an educational orientation and a mediation session much more quickly, the settlement rate would rise. This appears to be borne out by the statistics that show only 6.5 median days in JCC between the orientation and first mediation session, while in York County the time to the first session is 25 days. The comparison settlement rates for JCC and York are almost 2-1 and seem to support this original hypothesis.

The James City County process is a study in efficiency and economy. Litigants receive both written and visual educational material, the direction of their case is decided, they are assigned to a mediator if needed and, since October of 2000, also are registered for a parent education class. The JCC model takes away the opportunity for drama, audience, and bad behavior because participants are constantly involved in a very private process in which there is very little waiting. In contrast, in most courthouses

in America, frequently long periods of time are spent waiting for a brief moment in front of a judge.

Lawyers for the most part do not attend mediation orientation sessions (although they are welcome), but they do attend preliminary hearings, which seems to add to the adversarial flavor of the courthouse. In addition, the time for processing petitions in James City was 2 to 1 compared to York County, so families got to the orientation session much quicker.

### **Unexpected Benefits**

Senate Bill 127 may well be the legacy of this program. This program allowed us to look at mediation from a clinical perspective, judge the merits of the program, and determine whether there was any empirical evidence that early intervention led to more successful mediation. Statistics clearly bear this out. The project also allowed JCC the luxury of keeping the program afloat while it looked for some way of permanently financing the program. It was obvious that paying mediators on a case-by-case basis was not the way to build a program. Some form of permanent financing was needed for mediation. The early results from this study formed the basis for a persuasive argument to promote the passage of Senate Bill 127 which allows mediators appointed in custody, visitation and support cases to be paid \$100 per case out of the criminal fund as are guardians ad litem and the criminal defense attorneys. This bill came about when Senator Thomas K. Norment, Jr. agreed to sponsor the legislation. Judge Fairbanks appeared in front of a Senate subcommittee to present early empirical results of this grant to convince the legislature of the merits of this bill. The Bill was overwhelmingly passed in the Senate and the House and was endorsed by the Governor of Virginia,

James S. Gilmore, and became law on July 1, 2000 (Attachment 5). This Bill promotes collaboration between State government, local government, and private industry that has become the backbone of this program. The passage of this Bill institutionalizes mediation in Virginia Law and provides a means of permanent funding for custody, visitation and support mediation. Since its passage, according to the Supreme Court, the use of mediation by courts in Virginia has risen by 200%. In addition, the Supreme Court has designated the JCC program as a model for other Juvenile and Domestic Relations District courts.

### **The VMN Conference**

Judge Fairbanks and Iris Street were presenters at an hour and a half presentation at the Virginia Mediation Network Conference based in large part on the program they began and what the evidence showed about the program. The Power Point presentation was well received, as evidenced by the extremely good evaluations and the standing ovation. It used "The Blues" as a metaphor to describe the program and was entitled, "Timing is Everything on the Blues Side of Town". Blues themes were used as a backdrop to form the basis for an analogy between the mediation clients and the poor protagonist in a Blues song. Mediators seemed to understand that analogy. A shortened version of this presentation was presented by Judge Fairbanks at the District Court Judge's Conference on April 23 and 24, 2001 in Lynchburg, Virginia, and was equally well received.

The James City County Juvenile and Domestic Relations District Court in collaboration with the Department of Social Services and local mediators has

succeeded in developing a program that works with a wide variety of socioeconomic and racial groups.

### **Circuit Court**

Based on the success of the program Judge Samuel T. Powell, III, the Circuit Court Judge in Williamsburg, asked to begin sending couples that filed for *pendente lite* hearings during their divorce to this program. In Virginia, the Circuit Court is the court of original jurisdiction for all divorce cases and the appellate court for all appeals from the Juvenile and Domestic Relations District court involving custody and visitation. Beginning in July of 2000, parties involved in all divorce cases where there is a dispute about custody and visitation began attending the early intervention program.

### **PALM Program**

This year JCC expanded the mediation program to include a mandatory four-hour parent education program for each party litigating custody and visitation in both the Juvenile Court and the Circuit Court. The program began in October of 2000 and has become a major asset to the mediation program. Approximately 200 participants have attended since it began. The parties to the conflict are scheduled for separate classes so they can talk freely. The local newspaper featured an article about the program (Attachment 6).

### **The Mediation Center**

By winter of 2000, the Mediation program had grown to such an extent that the Human Services Center no longer met the needs of the program. In April of 2001, new dedicated space for the program was approved in a brand new office building adjacent

to the Courthouse. The new building will have a large training room and five mediation rooms equipped with conference tables and upholstered chairs. There will also be an administrative office and a reception area. The screenings on Tuesday mornings will move to the new office in October of 2001, and mediators will be able to schedule sessions during the week.

### **The NACO Award**

In June of 2001, the Mediation Program learned that it had received the “Best of Category” award in Court Administration from the National Association of Counties. NACO reviews submissions from counties all over the United States. There are fifteen categories that receive awards. The association honors one program in each category with an award. The 2001 Best of Category award will be presented to James City County at the National NACO conference in Philadelphia, Pa. in the summer of 2001 (Attachment 9).

1 Petition Number: \_\_\_\_\_ 2 nd. Petition Number: \_\_\_\_\_

2 Petitioner's Name: \_\_\_\_\_  
Last First M. I.

3 Date Petition Filed | | - | | - | |

4 Date of Preliminary Hearing / Orientation | | - | | - | |

5 Date of Orientation [York] | | - | | - | |

**Outcomes:**

6  Mediation 7  Home Evaluation 8 Date ordered | | - | | - | |

9  Court Order 10  Petition Dismissed | | - | | - | |

**Mediation**

11 First Session | | - | | - | |

12 Date Mediation Concluded | | - | | - | |

13  Agreement 14  No Agreement

15 Was there home study?  Yes  No

16 Was a guardian appointed?  Yes  No

17 Did it require an adjudicatory hearing?  Yes  No

18 Date decree signed | | - | | - | |

19 Total number of hearings \_\_\_\_\_ 20 Total number of Mediation Sessions \_\_\_\_\_

**Home Evaluation**

21 Was a guardian appointed?  Yes  No 22 Court hearing date | | - | | - | |

23 Date final adjudication | | - | | - | | 24 Total number of hearings \_\_\_\_\_

**Visitation**

25 Guardian ad-litem Appointed?  Yes  No

26 Date of Final Adjudication | | - | | - | |

27 Total number of hearings \_\_\_\_\_