



**DISPUTE RESOLUTION SERVICES
DEPARTMENT OF JUDICIAL SERVICES
OFFICE OF THE EXECUTIVE SECRETARY**



DISPUTE RESOLUTION SERVICES

ANNUAL REPORT

FISCAL YEAR 2024

JULY 1, 2023 - JUNE 30TH, 2024

JUDICIAL SETTLEMENT CONFERENCES

26
JUDGES

1,046
CONFERENCES

PARENT EDUCATION

90
PROVIDERS

13
NEW PROVIDERS

DISTRICT COURT MEDIATIONS

9,080
JDR MEDIATIONS

1,113
GDC MEDIATIONS

MEDIATION CERTIFICATION

523
MEDIATORS

43
NEW MEDIATORS

EXECUTIVE SUMMARY

Fiscal Year 2024 was full of changes and improvements for the court-connected ADR community in Virginia. In circuit courts, Judicial Settlement Conference (JSC) judges' per-diem rate was increased 60% through the Virginia State Budget, and a new judge joined the JSC program. Conference volume fell in FY2024 compared to FY2023, corresponding to a fall in civil filings in circuit court. In district courts, mediation volume increased for both the General District Court and the Custody, Visitation, and Support mediation programs. The Office of the Executive Secretary (OES) also expanded its capacity for collecting mediation-related data by incorporating mediators into the online Electronic Voucher Payment System (EVPS). Lastly, oversight of the Parent Education program was returned to OES via the passage of HB1581 in 2023, giving OES authority to approve providers of parent education seminars.

ABOUT DISPUTE RESOLUTION SERVICES

Dispute Resolution Services (DRS) is a division of the Department of Judicial Services within the Office of the Executive Secretary of the Supreme Court of Virginia. It was founded in 1991 in response to the 1989 Futures Commission Report to encourage and support the development of alternative dispute resolution programs in Virginia's courts. Today, DRS's mission is to promote equal access to justice for all Virginia citizens by supporting and expanding the use of high-quality, diverse dispute resolution options. It oversees the certification of individuals to mediate disputes referred from the courts, and supports court-referred mediation programs in district courts; the Judicial Settlement Conference Program in circuit courts; and the Parent Education Program in all family courts.

This mission would not be possible without the dedicated staff of DRS, listed below:

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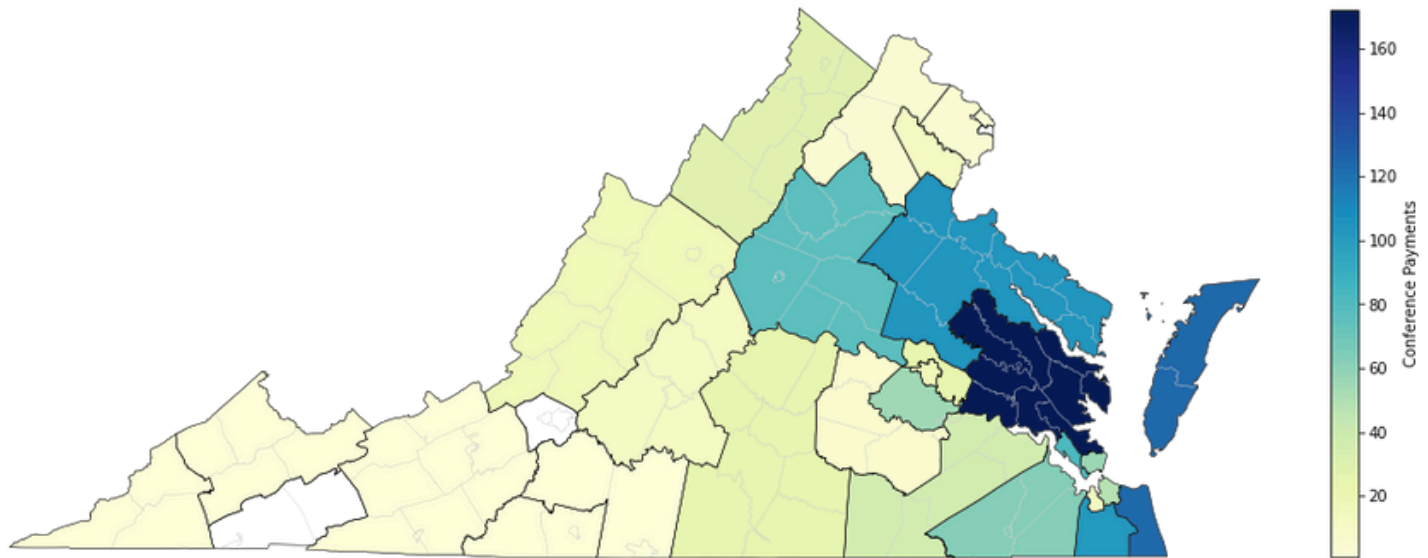
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THE JUDICIAL SETTLEMENT CONFERENCE PROGRAM



Map showing volume of conferences referred by circuit in FY2024

THROUGH THE JSC PROGRAM, RETIRED CIRCUIT COURT JUDGES HELP PARTIES SETTLE THEIR DISPUTES BEFORE TRIAL

The Judicial Settlement Conference (JSC) Program connects parties with civil cases in circuit courts to retired Circuit Court Judges with mediation skills training. The judge is designated to meet with the parties and their attorneys to discuss settlement, leveraging conflict resolution skills in addition to their own experience as a juror. To participate in the JSC program, a JSC judge must be eligible for recall pursuant to Virginia Code § 17.1-106, and they must have completed mediation skills training before reviewing program-specific videos. Once approved to join the program, they may be designated by a circuit court to offer a settlement conference for referred cases.

IN FY2024...

26

JUDGES CONDUCTED CONFERENCES

84

COURTS REFERRED CASES TO JSC PROGRAM

79%

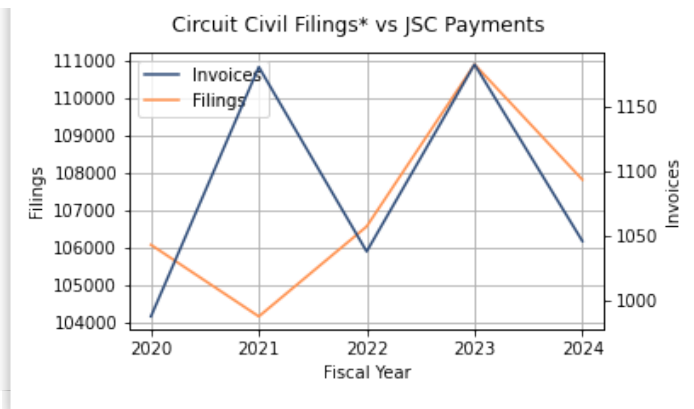
OF CONFERENCES ENDED IN AN AGREEMENT

This fiscal year, there were several updates in the JSC program. A new Judge joined the program in May, bringing the total number of judges who conducted a conference in FY24 to 26. Additionally, the per-diem rate for retired judges increased from \$250 to \$400. The JSC Judges were appreciative of this well-deserved raise.

DRS met with the JSC Judges at the annual Judicial Conference in Norfolk in mid-May. In the meeting, these updates and statistical updates were discussed, and the judges were given time to discuss issues important to them.

PROGRAM EXPENDITURES IN 2024

There were **1046** requests for payment submitted by JSC judges in FY2024, which is 12% lower than the 1182 requests in FY2023. As of the end of September 2024, **1,087** requests for payment were submitted for conference sessions in FY24. There were approximately 108,000 civil filings in circuit courts* in FY24, and the ratio of JSC payments to filings in FY24 are about the same the FY20–FY23 average (0.01).



Domestic Relations	64%
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Tort/Personal Injury	20%
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Commercial	9%
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Misc	8%
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CONFERENCE COMPOSITION AND RESULTS

JSC Judges submitted **992** data sheets for conferences in FY24. 55% of the reported conferences ended in agreement on all issues, 24% with agreement on some issues, and 21% with no agreement. The majority of cases that were referred to the JSC program were domestic relations cases – those relating to divorce or separation. The next most common case type was tort / personal injury, including auto accidents, medical malpractice, and others. Other case types referred to JSC are commercial cases such as real estate and contract disputes.

EXIT SURVEY RESULTS

Following each conference, JSC Judges provide parties and attorneys with an exit survey. DRS received and entered 147 exit surveys from settlement conferences in FY24.

“THE SETTLEMENT PROCESS WAS...”

	Very Helpful	Somewhat Helpful	Not at all helpful
Attorney	24	2	1
Party	107	11	2

“WOULD YOU RECOMMEND SETTLEMENT CONFERENCE TO OTHERS?”

	Yes	No
Attorney	26	1
Party	120	0

SELECTED EXIT SURVEY COMMENTS

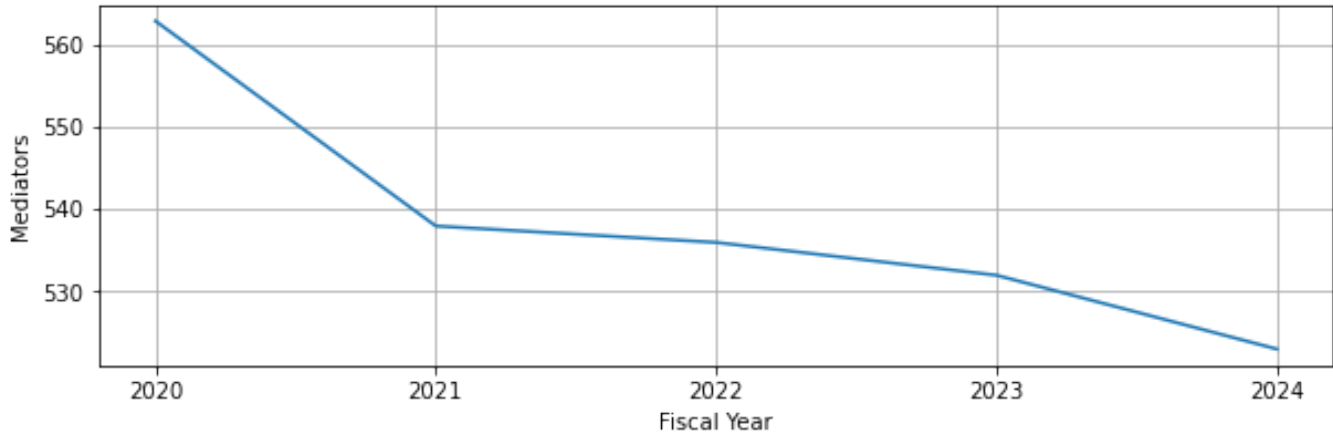
“Thank you from the bottom of my heart. I am ready to be done and move forward. Thank you for your assistance.”

“I am very pleased with this program that Virginia offers for people seeking divorce. It made the process very efficient and less anxiety driven. Judge Wright was very fair, a great listener and handled the proceedings in a very comfortable manner.”

*Total filings do not include cases filed in Fairfax or Alexandria. Excluded are filings related to concealed handgun permits.

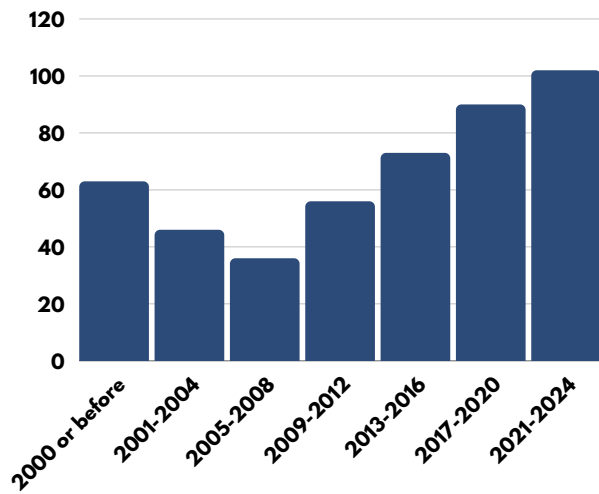
MEDIATION

Total Mediators by End of Fiscal Year



THE JUDICIAL SYSTEM CERTIFIES NEUTRALS TO MEDIATE DISPUTES REFERRED FROM COURTS

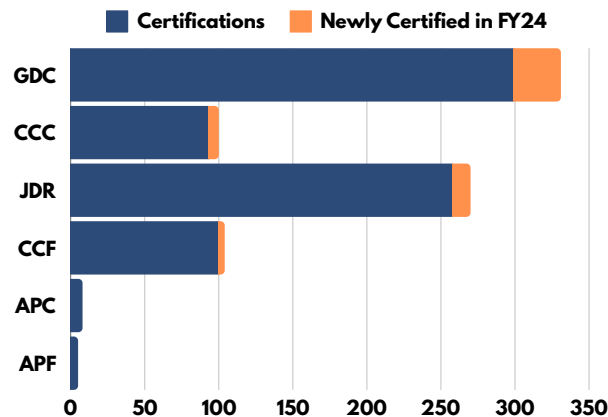
Active Mediators by Year First Certified



Per Virginia Code § 8.01–576.8 the Judicial Council of Virginia promulgates guidelines to certify qualified neutrals to mediate court-referred disputes. Dispute Resolution Services manages the Mediation Certification program, reviewing applications for certification, investigating complaints against certified mediators, approving mediator trainings and continuing education, proposing edits to the mediator guidelines, and advising the judicial system on mediation-related topics.

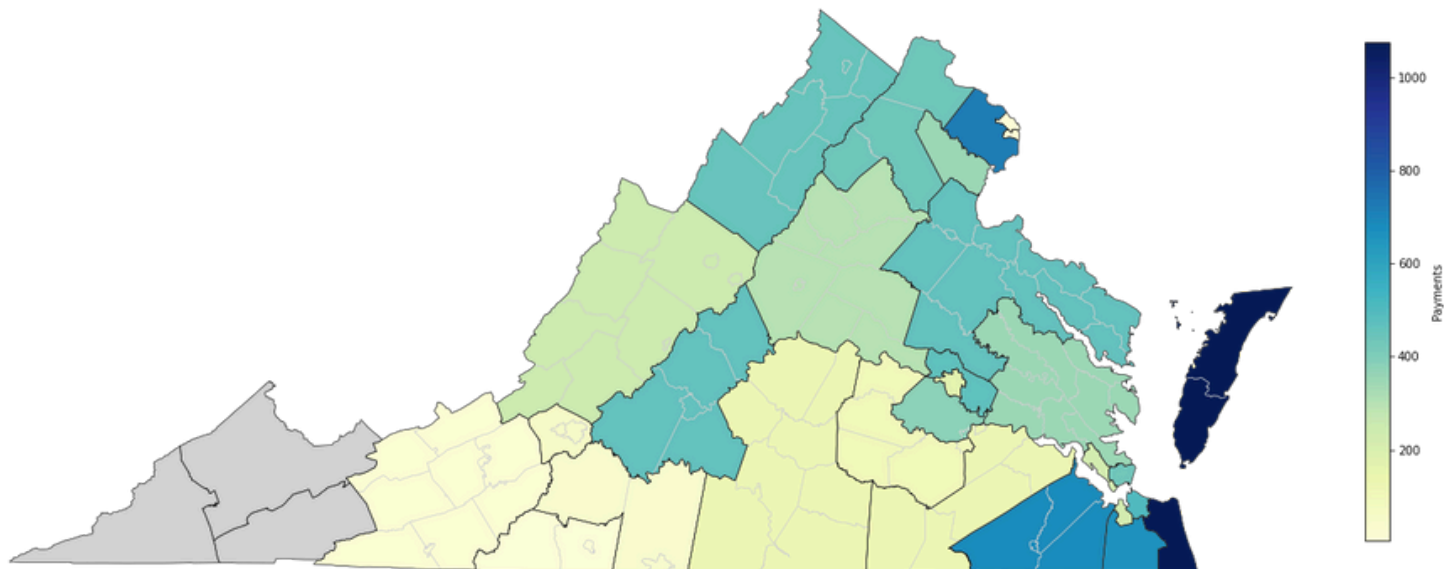
At the end of FY2024 there were 523 Virginia Certified Mediators. 43 new mediators were certified since the end of last fiscal year, and 55 lapsed at the end of October 2023. The net change of total mediators in FY2024 follows several years of continuing decreases. Since FY2022, the total number of certified mediators has decreased by an average of about 8 mediators per year.

Active Certifications by Type



Certified mediators in Virginia that recertify at least once tend to stay certified for many years. 19% of the mediators that lapsed in FY2024 had not recertified once. However, 43% of mediators certified by the end of FY2024 first certified before 2014 – more than 10 years ago. GDC certification, requiring less training than other types, gained the most new certifications in FY2024, and was the most common certification among mediators.

CUSTODY, VISITATION, AND SUPPORT



Map showing volume of CVS mediations referred by circuit in FY2024

PARTIES WITH CONTESTED CUSTODY, VISITATION, OR SUPPORT FILINGS MAY BE REFERRED TO A FREE MEDIATION WITH A CERTIFIED MEDIATOR.

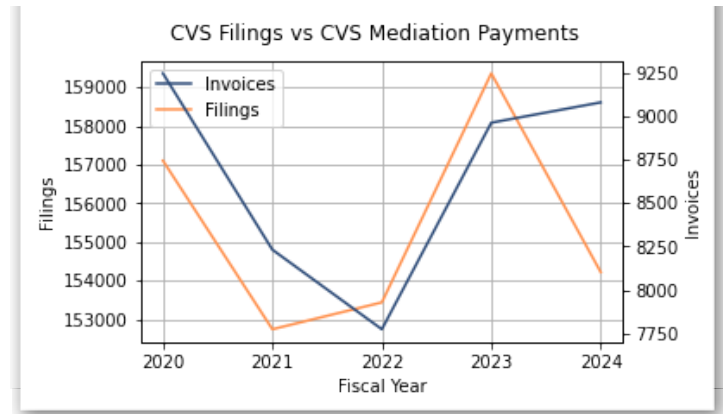
Virginia Code § 20-124.4 authorizes payment for custody, visitation, or support (CVS) mediations referred from court. Mediators may be paid \$120 per custody and/or visitation appointment, and \$120 per support appointment (child support and/or spousal support). Payment requests pursuant to code § 20-124.4 are used to estimate the number of mediations each year. This fiscal year, mediation vendors were given the option to submit their requests for payment electronically through the Electronic Voucher Payment System (EVPS). The new system allows the vendor to submit payment requests online rather than by paper, and allows the vendor to track submissions through processing. In exchange, vendors must enter limited information about the mediation, including the result of the mediation, time spent mediating, associated court cases, and other information. **78%** of invoices received in FY2024 were through the EVPS system, giving DRS access to a large amount of information not possible through the existing Mediation Information System (MIS).

FY24 CVS HIGHLIGHTS

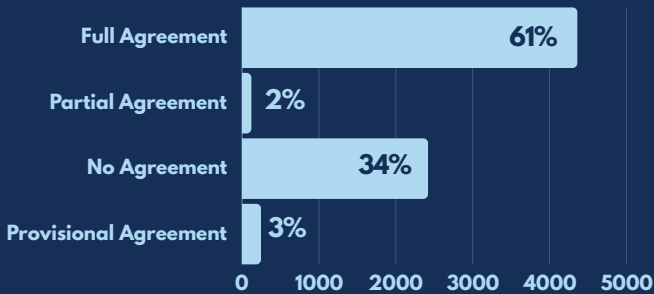
9,080 INVOICES WERE PROCESSED FROM **89 COURTS.** INCLUDING THE THREE MONTHS FOLLOWING THE END OF THE FISCAL YEAR, **7,151 MEDIATIONS** THAT WERE BILLED FOR THROUGH EVPS ENDED IN FY2024, OF WHICH, **66% ENDED IN AGREEMENT** ON SOME OR ALL ISSUES, INCLUDING PROVISIONAL AGREEMENTS.

CVS VOLUME IN FY2024

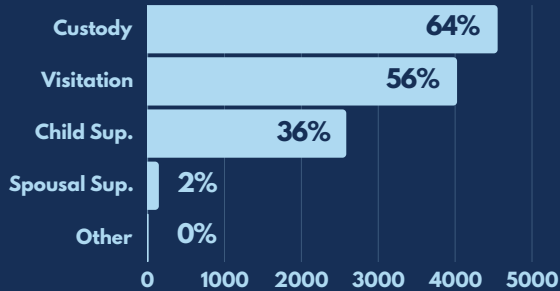
In Virginia, custody and visitation court filings are counted together as a CV filing, and child and spousal support filings are counted together as VS filings. In FY2024, there were nearly 155,000 CV and VS filings statewide. In that same time period, 9,080 invoices were submitted for CVS cases. This ratio of invoices to filings is higher (0.059) than the FY2020 – FY2023 average (0.056). The ratio of invoices to filings continues the upward trend from FY22, when the ratio had dropped to 0.051.



MEDIATION RESULTED IN...



EVPS SUBMISSIONS INVOLVING...



96% OF MEDIATIONS REPORTED* INVOLVED AT LEAST ONE SELF-REPRESENTED LITIGANT



56% OF MEDIATIONS REPORTED* WERE MEDIATED REMOTELY

*Based on 6,573 EVPS submissions that reported at least two participants

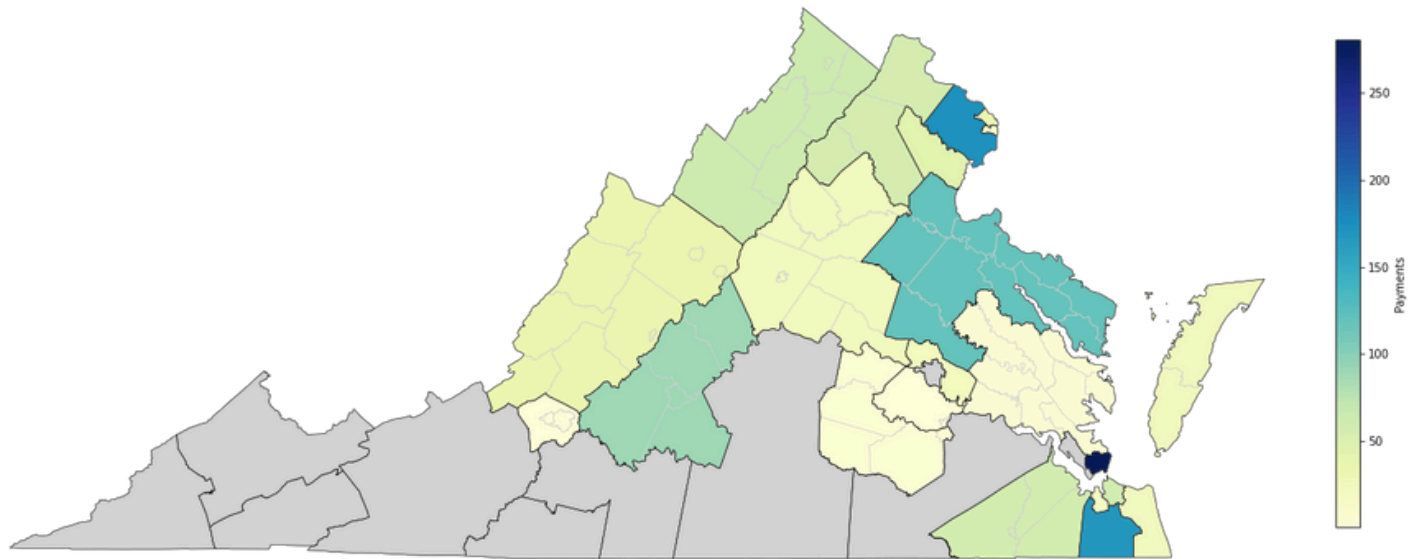
MEDIATION COMPOSITION AND RESULTS

As of September 2024, **7,151** CVS mediations in FY24 were submitted via EVPS. 61% of the reported mediations ended in agreement on all issues, 2% with agreement on some issues, 3% on a provisional or draft agreement, and 34% with no agreement.

CVS mediations can involve any combination of custody, visitation, child support, or spousal support issues. The issue most commonly mediated according to EVPS reports is custody, with 64% of all submissions reporting custody as being a mediated issue. Child support is a mediated issue in 36% of submissions, and 27% of submissions only include child or spousal support as a mediated issue. This number may be inflated, though, as payment requests will sometimes be erroneously sent as two \$120 payment requests for each appointment, rather than a single \$240 request for both appointments.

In addition to questions about case type and mediation result, vendors are also asked to note the number of participants to mediation, whether each participant was self-represented or had an attorney present, and whether the participant was remote at the time of mediation (i.e. online or by phone). This question is currently optional, and 6,573 CVS mediations ending in FY24 submitted through EVPS included participant information. Of these, 96% of cases included at least one self-represented litigant, and parties in 56% of submitted mediations were remote.

GENERAL DISTRICT COURT



Map showing volume of GDC mediations referred by circuit in FY2024

PARTIES WITH A CIVIL CASE IN GENERAL DISTRICT COURT MAY BE REFERRED TO A FREE MEDIATION WITH A CERTIFIED MEDIATOR.

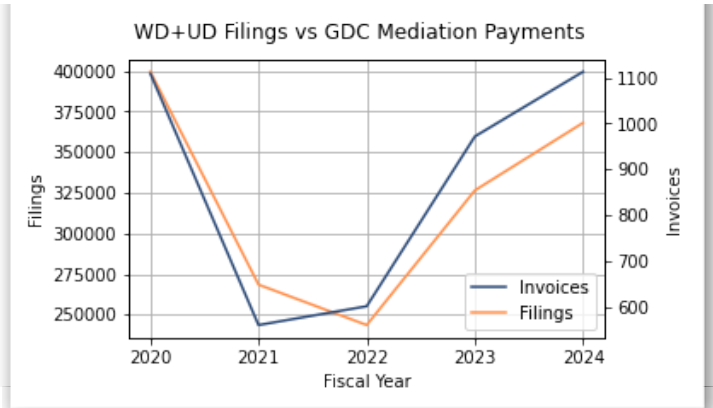
Virginia Code Section § 8.01–576.5 gives courts the authority to refer civil cases to an orientation session about options for dispute resolution at no cost to the parties. In General District Courts, cases referred to an orientation session may mediate with a certified mediator, also at no cost to the parties. DRS pays the mediator of such cases \$120 for each court–referred mediation. Like CVS cases, court–referred mediations in this program are tracked through requests for payment. Also like CVS cases, GDC mediation vendors now have the opportunity to submit cases through EVPS. GDC mediations were not brought into the EVPS system until November of 2023, however, meaning many invoices from the first half of the fiscal year were submitted via paper, with the majority entered into the Mediation Information System. As such, information for mediations that ended from July to October are taken from MIS, and information for mediations that ended in or after November are taken from EVPS submissions.

FY24 GDC HIGHLIGHTS

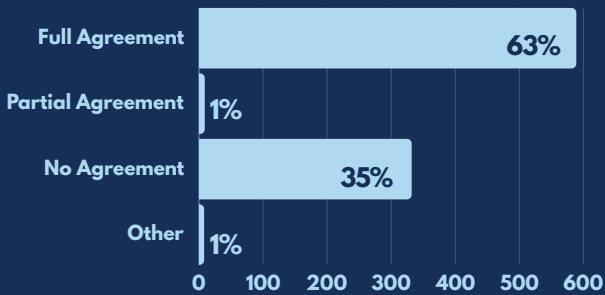
1,113 INVOICES WERE PROCESSED FROM **42 COURTS.** INCLUDING THE THREE MONTHS FOLLOWING THE END OF THE FISCAL YEAR, MEDIATION VENDORS SUBMITTED INVOICES FOR **1,089 MEDIATIONS** ENDING IN FY2024. OF THE CASES ENTERED IN MIS OR SUBMITTED THROUGH EVPS, **64% ENDED IN AGREEMENT** ON SOME OR ALL ISSUES.

GDC VOLUME IN FY2024

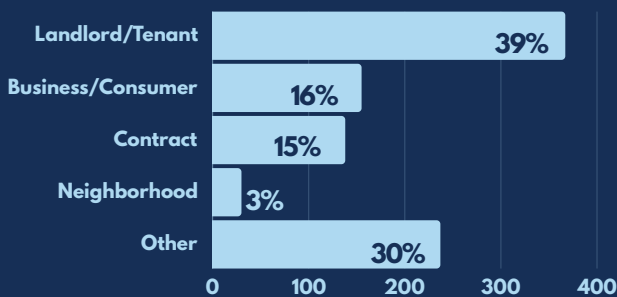
While any civil case in district courts can be referred to mediation, there are two filing types that are commonly referred to mediation (according to case numbers referred to mediation). These are warrant in debt filings (a lawsuit over money owed) and unlawful detainer filings (generally eviction cases). In FY2024, there were 368,084 WD and UD filings statewide. In that same time period, **1,113** invoices were submitted for GDC cases. The ratio of invoices to filings in FY2024 (0.003) is even with FY2023, but higher than the low reported in FY2021 (0.0021).



MEDIATION RESULTED IN...



OF CASES INVOLVING ISSUES RELATED TO...



90% OF MEDIATIONS REPORTED* INVOLVED AT LEAST ONE SELF-REPRESENTED LITIGANT



40% OF MEDIATIONS REPORTED* WERE MEDIATED REMOTELY

*Based on 480 EVPS submissions that reported at least two participants

MEDIATION COMPOSITION AND RESULTS

1,089 GDC mediations that ended in FY24 were submitted before the end of September 2024. During that time, 325 GDC cases ending between July 2023 and the end of October 2023 were entered in MIS, and 613 cases ending between November 2023 and June 2024 were submitted through EVPS. Of these 938 reports from mediators, 63% of the reported mediations ended in a full agreement, 1% ended in a partial agreement, and 35% ended with no agreement.

GDC cases can involve a wider range of issues than CVS cases, but the number of issues discussed in mediation are generally less. With family cases, there may be custody and visitation to work out for each child, and child support to calculate after. GDC mediations tend to cover a single topic, such as debt, workplace issues, or landlord/tenant issues. The most commonly reported case type mediated is landlord tenant issues (such as eviction), which are present in about 40% of cases.

In addition to questions about case type and mediation result, EVPS vendors are also asked to note the number of participants to mediation, whether each participant was self-represented or had an attorney present, and whether the participant was remote at the time of mediation (i.e. online or by phone). This question is currently optional, and only 78% of EVPS submissions included participant information. Of these, 90% of cases included at least one self-represented litigant, and parties in 40% of submitted mediations were remote.

MEDIATION CLIENT FEEDBACK

At the conclusion of each court-referred mediation, mediators are required to provide exit surveys to each mediation participant. The surveys are called the Evaluation of Mediation Session(s) and Mediator(s) (form ADR-1002). The participants may fill out the survey and return them to the mediator to send to DRS, or the participant might choose to keep the survey and return it to DRS themselves. Each survey received by DRS is reviewed by a staff member, but DRS receives more than it has the time and resources to enter. A selection of surveys are entered into a database each year depending on when the evaluations are received and how they are sent in. As of the time of this report, **573** surveys have been entered for mediations that ended in FY2024.

SURVEY COMMENTS

Below are excerpts of comments entered for mediations in FY2024.

“I was nervous and distraught upon coming as I was in the wrong and of course felt guilty. [The mediator] has a way to make everyone feel comfortable and look at things with an open mind. He is wonderful and helpful.”

“The mediation process was very stress free and I would recommend for any one who would like a peaceful resolution.”

“Mediator was very respectful and honest. She really listened and made an effort to hear our claims and give good advice.”

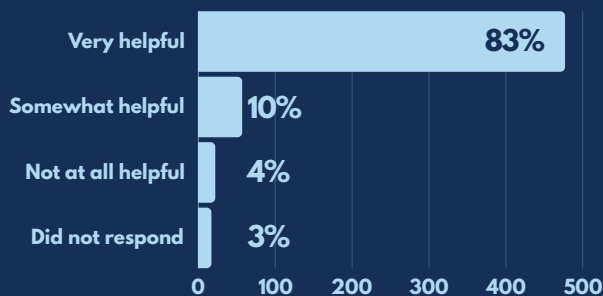
“Wonderful way to amicably resolve issues between parties. Love it. Two thumbs up. Wish it was a required process.”

“Took ample time with us, made sure that we agreed before putting anything in writing and made sure that we understood everything.”

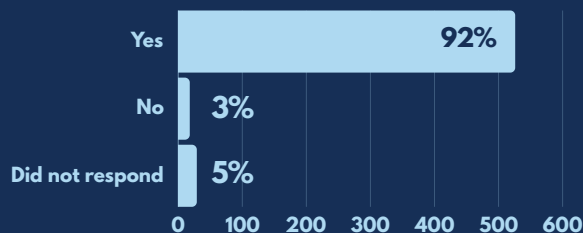
SURVEY DATA

Below are summarized responses from the 573 evaluations entered for mediations in FY2024.

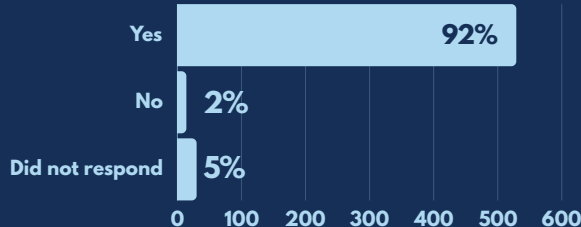
THE MEDIATION PROCESS WAS...



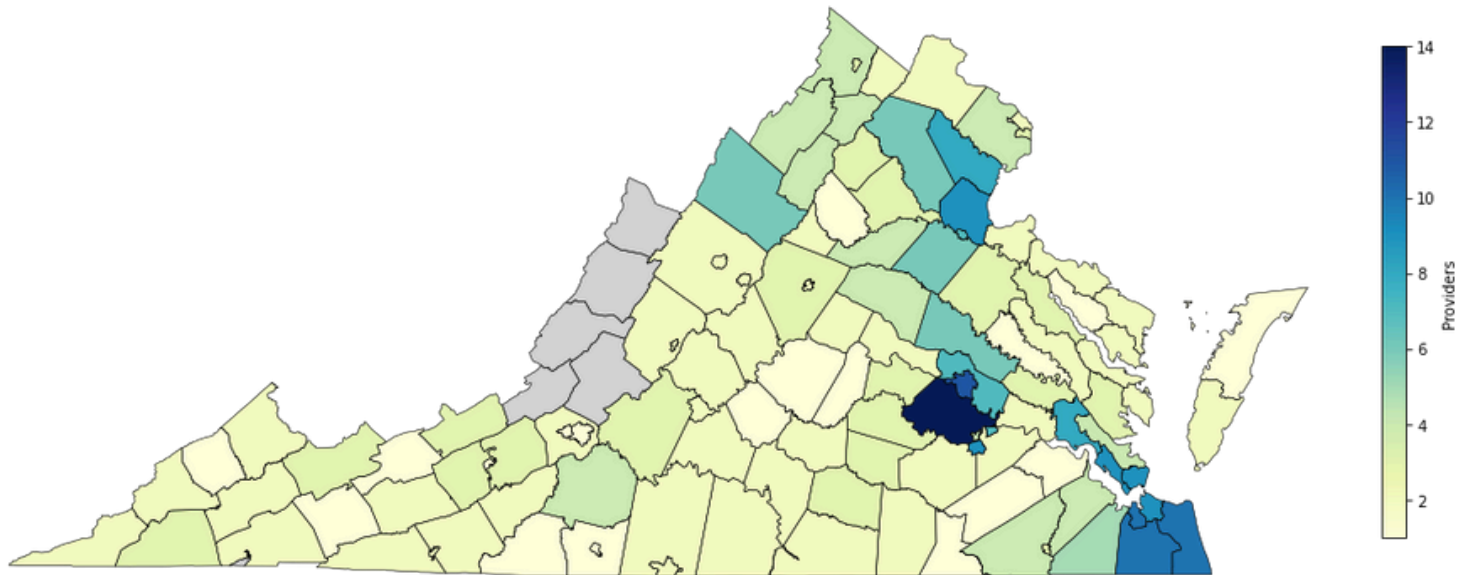
WOULD YOU USE MEDIATION AGAIN?



WOULD YOU RECOMMEND MEDIATION TO OTHERS?



PARENT EDUCATION



Map showing number of providers per locality

THE PARENT EDUCATION PROGRAM TRAINS AND VETS INSTRUCTORS OF CO-PARENTING SEMINARS

Virginia Code Sections 16.1-278.15 and 20-103 require parties to cases where custody, visitation, or support is contested to attend an educational seminar conducted by a provider approved by the Office of the Executive Secretary. By law, these seminars must be at least 4 hours long, and must cover the following topics:

- The effects of separation or divorce on children,
- Parenting responsibilities,
- Options for conflict resolution, and
- Financial Responsibilities.

DRS trains new PE providers and instructors, reviews prospective provider curriculum, collects quarterly reports from approved providers, and creates policies for provider and instructor conduct relating to seminars. At the end of FY2024, there were **90 providers** approved to conduct court-referred parent education seminars in Virginia, and approved providers were listed in **118** localities. Additionally, DRS approved **13** new providers during FY2024.

QUARTERLY REPORTS

While DRS has asked providers to submit quarterly reports each year for many years, FY2024 was the first year in which DRS required report submission as a condition of approval. This change has resulted in a higher number of providers submitting quarterly reports.

Total Participants Reported	7,015
Total Seminars Reported	1,048
Average reports received per quarter	68