

**Virginia Beach Circuit Court Divorce Cases
A Study of the New Differentiated Case Management Program:
Looking Back With an Eye Toward the Future**

Institute for Court Management
Court Executive Development Program
Phase III Project
May 2003
L. Caron Jeffreys

Divorce impacts individual lives, as well as society as a whole. In recent years, an unsettling number of families are affected by divorce. In the Second Judicial Circuit, divorce cases represent over one-third of the Court's civil caseload. Until July 2001, the Court referred all divorce cases to a commissioner in chancery, adding delay and expense to the adjudication process. On July 1, 2001, the Court implemented a four-track, differentiated case management program, which returns to the Court's auspices uncontested divorces and contested cases involving custody, visitation and support, by offering judicial hearing alternatives to the traditional commissioner system.

The goals of the new program are to adjudicate divorce cases in considerably less time and at less expense to the parties and to ensure that the Court's services are responsive to the needs of the Court's patrons. Specific objectives are to reduce the time to adjudication in over 75% of divorce cases and to minimize the parties' costs—both time and money. This paper presents a post-implementation assessment of the new program's effectiveness and efficiency in meeting these goals and objectives.

The study includes both quantitative and qualitative analyses. The quantitative analysis takes an historical look at the Court's divorce case load for the eight-year period, 1994 through 2001. Data was extrapolated from the Case Management System, supported by the Administrative Office of the Virginia Supreme Court. Past performance is evaluated from three perspectives. First, the Court's eight-year performance was compared with the American Bar Association time standard that postulates that 90% of domestic relations cases be concluded within 3 months. Second, the average disposition times for the 31 circuits within the state of Virginia was computed and compared with the Court's times. Last, an internal assessment compares the Court's average disposition times—from filing to adjudication—for the eight years prior to the new program with its disposition times since July 2001. Each assessment clearly indicates that, prior to the new program, the Court's adjudication times were worsening, that the Court was consistently below the State averages, and that neither the Court's nor the State's averages met the ABA standards. However, since implementation, when cases are within the Court's control, the disposition times improved significantly. For uncontested (no-fault) cases, which represent more than 75% of divorce cases, the adjudication times exceed the State averages and, more impressively, they exceed the ABA standard.

To balance the purely statistical perspective of the quantitative analysis, the Court surveyed 167 attorneys who practice domestic relations law before the Court. The purpose of the survey was to assess, from the attorney's perspective, whether the Court has succeeded in its goal to schedule cases in less time and at less expense. The six-part survey solicited input on: the new divorce procedures manual; the judicial hearings for uncontested divorce cases (Track 1); the contested trials of custody,

visitation, and support (Track 3); whether the new program saves the attorneys and their clients time and money; the quality of the Court staff's assistance; and the Continuing Legal Education seminar conducted for the new program. A majority of the 74 survey respondents wholeheartedly support the new program. However, the best suggestions and opportunities for change were drawn from those respondents who offered less than favorable comments. Their constructive feedback pointed out areas of weakness and provided the basis for several of the recommended changes.

Both the statistical data and the survey responses support the program's success. However, it is a dynamic system wrought with opportunities for continuous improvements. It is recommended that the Court contact the survey respondents who offered substantive suggestions for further input. Clarification of the contested procedures under Track 3 is also needed, followed by additional training through CLE seminars. The new program lays the foundation for the Court to eliminate altogether the use of commissioners for divorce cases. A system needs to be developed to track contested custody, visitation and support cases. Last, but certainly not least, the simplified procedures under Track 1 present an opportunity for the Court to explore *pro se* assistance services.

This research paper is available in its entirety in (1) and (2) portable document formats. To access, you must first obtain and install the Adobe Acrobat Reader.



Knowledge Information Services
National Center for State Courts
300 Newport Avenue
Williamsburg, VA 23185
Phone: (800) 616-6164

Visit the Institute for Court Management Web site at:
http://www.ncsconline.org/d_icm/icmindex.html

This document was created with Win2PDF available at <http://www.win2pdf.com>.
The unregistered version of Win2PDF is for evaluation or non-commercial use only.
This page will not be added after purchasing Win2PDF.