



# Mediation Services

## Program Report 2016

### *Mission*

To collaborate with government agencies in serving the citizens of Jefferson County by providing effective mediation, communication and negotiation processes, delivered by qualified, dedicated volunteers, in order to foster harmony within the community.

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**County Commissioners**

The JCMS staff wishes to express sincere gratitude to the Jefferson County Commissioners, who continue to provide outstanding support to JCMS.

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## Executive Summary

Jefferson County Mediation Services (JCMS) is a contract program that is dedicated to providing mediation and conflict-resolution services to county agencies and municipalities, the courts and the citizens of Jefferson County. We are also a primary source for the training and education of Denver-area mediators of all levels of skill and experience.

JCMS exists to help save County resources. The County takes its responsibility to taxpayers very seriously and works hard to conserve expenditures. JCMS has saved the County significant money and other resources in a variety of ways, and we continue our efforts to make the best possible use of taxpayer dollars. In 2016, we estimate a cost savings, to specific departments, of more than \$258,000 (See Figure 1 on page 3).

Our increasing case load is managed by seven part- and full-time staff members and 240 volunteer mediators. Our work supports county agencies by reducing the time they spend dealing with conflict. JCMS tailors its services to the specific needs of individual agencies; some examples include:

**Child Support Services (CSS):** We help CSS clients negotiate parenting-time agreements and child-support disputes. According to a study by CSS, this reduces the time CSS technicians spend working through complaints about such issues. It also helps to increase child-support collections. We enhanced Child Support Services' collections by an additional estimated \$455,595 in payments in 2016.

**County Attorney:** Settling child-support and parenting cases prior to court hearings helps County attorneys avoid many hours of time that they would have spent in court, thus saving them \$29,760.

**Sheriff, Animal Control and Zoning:** We help quarreling neighbors negotiate resolutions to problems with noise, property disputes, barking dogs and other animal-related disputes. Responding to a complaint has costs, such as the agencies' employees' hourly wages, gasoline prices and equipment wear and tear. For unincorporated mountain locations, the cost to respond to a single neighbor complaint is staggering. As these costs increase, the value of our services increases accordingly. Successful mediations reduce the time officials spend traveling to investigate recurring complaints, processing tickets and testifying in court, and free them to deal with more pressing issues. In 2016, we saved these agencies \$3,617.

**Courts:** We provide mediators in several County courts to help parties resolve issues prior to seeing the judge or magistrate. Our services help judges and magistrates manage their dockets better, so they can spend their limited time on more complicated cases. For District Court, in parenting cases, mediation typically saves five to six hours of courtroom time per case. In civil court cases, mediation saves hours of court time because the parties have already reached agreement or, even in cases that are not settled, the parties have identified and clarified the relevant issues. We saved County and District Courts \$103,688 in 2016.

**Workplace:** We help County employees resolve topics of concern with each other. When employees become frustrated with co-workers or supervisors, our services help them to address their issues in a constructive manner, so that the situations can be resolved in everyone's best interest. This improves morale and productivity, and frees managers from handling repeated complaints. Work-group meetings and retreats are a specialty of JCMS, and the user department need not pay for outside facilitators. Our workplace mediations and facilitations saved the County \$104,994 in 2016.

## We Save Taxpayer Money

Figure 1 shows our conservative cost-saving estimates for each of the major departments we served in 2016. The data below are based on feedback from our user agencies.

Factors that are not shown in our cost-savings chart include trial costs of cases that go to court. Additionally, even when mediation does not resolve the dispute, the parties have had an opportunity to practice their “presentation,” so they are more effective and concise in the courtroom, thus conserving the judge’s valuable time. The more the agencies and courts use JCMS, the more they save.

“Neither the Small Claims division nor the County Court Civil division could function well without the mediators. If the cases which are resolved through mediation at the first appearance of the parties were not resolved, we would need 1-2 additional judicial officers to handle the cases, plus additional staff, courtrooms, etc.”

Judge Tammy Greene  
County Court Judge

**Figure 1: Minimum Cost Savings Achieved for Specific User Agencies in 2016**

Department	Cases Settled	Cost Per Trip/Case	Trips/Cases Saved Per Settlement	Cost Savings
Workplace Cases	9	\$11,666	N/A	\$104,994
County Courts - All	551	\$120	N/A	\$66,280
District Court	92	\$407	N/A	\$37,408
County Attorney	124	\$240	N/A	\$29,760
Human Services	125	\$80	1	\$10,000
Municipalities	23	\$124	2	\$5,700
Animal Control	7	\$124	2	\$1,736
Sheriff	4	\$141	2	\$1,128
Planning & Zoning	2	\$188	2	\$753
Juvenile Assessment	3	\$202	1	\$606
<b>Total</b>				<b>\$258,365</b>

JCMS volunteers donated 4,080 hours in 2016, realizing cost avoidance for the County of an additional \$489,600. This calculation is based on a figure of \$120 per hour for mediators. The actual cost to hire a mediator ranges from \$120 per hour (Colorado Office of Dispute Resolution) to \$350 per hour and up.

In addition to cost savings, we helped Child Support Services to collect an additional \$455,595 in child-support payments.

## Mediation for Jefferson County Agencies & Municipalities

Mediating disputes among citizens is some of the most important work that we do, because one conflict in a neighborhood can affect quality of life for all the surrounding families. A primary goal of the County Commissioners is to make Jefferson County a great place to live, work and play, and JCMS contributes to attaining that goal.

Noise is a common source of conflict. Barking dogs, revving engines, loud music, people partying late at night, children yelling, couples having loud disputes – all can have a negative effect on people’s peaceful enjoyment of their homes. Odors are another big problem, whether caused by animals, garbage, manufacturing or processing businesses. A third common complaint is “eyesores” in the neighborhood. Overgrown trees and shrubs, trash, junk cars, weeds and run-down properties are offensive to many people.

Some of these assaults on the senses are covered by zoning and noise regulations or by HOA covenants, but even then, there can be legitimate differences of opinion over what is “too much.” Some people are more sensitive to sounds than others. In unincorporated and mountainous areas of the County, there may be very few regulations governing these common irritations.

People also get into conflict over boundary lines, easements and buildings. A fence or building that is on someone else’s property may be only annoying, or it may have legal repercussions. Shared driveways or shared access roads raise many maintenance and repair issues that can lead to disputes.

We help people to resolve these disputes by helping them to have reasonable discussions and to find solutions that will work for everyone. In mediation, we help people turn their attention away from past arguments and to focus on how they can move forward peacefully. People can come to an agreement that works for them, without the time and expense of going to court, again saving resources.

## Mediation in Jefferson County Schools

There are many types of conflicts in schools. There are fights between students, and tensions between teachers, parents and administrators. To help, we began our School Mediation program in 2005. The results are impressive: when parties come to the mediation table, they usually resolve their differences.

In fall of 2016 we began an in-house program at Jefferson Junior/Senior High School to support the school’s needs. School mediations seem most effective when mediation can occur quickly after a dispute or misconduct. We have mediators available on site weekly to resolve issues that have arisen during the previous week. Student Dean Jackie Espinoza reports that students seem more at ease in the classroom after they identify the cause of a dispute and find a resolution to the issue. Our restorative-focused mediation process helps students to identify how their actions affect themselves, others and the entire community. Students have an opportunity to share their perspectives, discover understanding and explore ways to prevent future incidents. This empowers students to take responsibility for their actions and make their own informed decisions moving forward.

JCMS received 8 case referrals from October to the end of 2016. Of the cases mediated, 100 percent of the cases resulted in agreement. We solidified our referral and mediation process moving into 2017, allowing us to provide services throughout the school year. Now JCMS is planning to offer the same model to other Jefferson County schools.

## Workplace Mediation for Jefferson County Employees

Increased caseloads, changes in operations, staffing cuts and personality differences can create stress. Whatever the cause, mediation can improve communication, decrease tension and improve a team's ability to work together.

The costs of employee discord can be enormous. Recent research by various corporations and government agencies shows that a manager spends an average of 42 percent of his/her time dealing with employee conflict. Effects of conflict include wasted time, reduced decision quality, lowered motivation, higher health costs and more absenteeism, more employee turnover and reorganization of work groups to separate disputants.

***The Good News:*** Governments and businesses that use mediation experience dramatic results. With lower conflict, employees take fewer days for illnesses and absences and show improved morale and productivity. JCMS successfully resolved 9 cases during 2016, resulting in a cost avoidance of \$104,994 at a minimum (some cases involved three or more employees, and in a few, the whole team or department was involved). Clearly, significant growth in this area has the potential to save the county vast sums of money.

### ***Example of a Workplace Case:***

Average pay for Jefferson County employees is about \$50,000 (\$25.00 per hour). If two \$25/hour employees spend 10 minutes a day bickering ( $1/6$  of \$25 x 2 = \$8.33 x 5 days per week, x 50 weeks per year), it consumes \$2,083 of their annual pay. Then each spends 10 minutes talking to the manager – another \$2,083. Their manager earns \$40/hour and spends 20 minutes per day listening to complaints ( $1/6$  of \$40 x 2 = \$13.33) - another \$3,333 per year. The two also spend 10 minutes talking to co-workers about each other ( $1/6$  of \$25 x 4 = \$16.66), so it costs another \$4,167 per year for the four workers listening. Conflicts can go on for years, and this one unresolved conflict will cost \$11,666 per year, not including the effects on the department and its service quality. With about 55 departments and divisions in the County, just one conflict in each unit will cost the County more than \$641,630 each year. Disputes between employees and supervisors cost even more: leadership may be challenged or passively resisted, and the team's work will suffer.

## Citizen - Law Enforcement Mediation

Beginning in 2007, citizens who have complaints about law-enforcement personnel in Jefferson County can meet face to face with the officer(s) involved. Each participant can hear how the other felt about the encounter, and explain his/her own perspective. The goal is to provide greater understanding and to improve relations among citizens and officers. The officer can explain protocols that require specific procedures. Similarly, the citizen can often provide good feedback to the officer about how to communicate his/her intentions more clearly. The Professional Standards or Internal Affairs unit of the law enforcement entity only refers those cases in which an initial investigation has revealed no impropriety by the officer. The citizen who participates understands that any citation or charge against him/her will remain. We have had excellent results with this project, and both the City of Wheat Ridge and the Sheriff's Office send these cases to us.

Participant evaluations from 2011 through 2016 showed that 100% of our participants felt that it was a safe environment to discuss all their issues and said they would recommend mediation to others. 92 percent of participants stated that mediation changed their view of the situation.

## Collaboration with Child Support Services

Jefferson County Child Support Services (CSS) constantly works to increase collections from non-custodial parents who are ordered to pay child support to custodial parents. In 2006, JCMS offered to provide mediation for CSS clients, and CSS caseworkers have been delighted that they can offer a resource to people whose issues go beyond payment of child support.

In 2008, CSS began referring contested child-support modifications as well as parenting-time cases. If the parents disagree on the appropriate amount of child support, mediation can help them discuss a fair amount. An agreement can be implemented immediately instead of after a lengthy and hostile court process. This helps CSS, the taxpayers, the courts, the parents and the children.

This interdepartmental collaboration has had far-reaching benefits for the County and participants. The courts are pleased to be relieved of some parenting-time motions and contempt cases for non-payment. Instead of further crowding the jails, Justice Services diverts delinquent payers to work crews that provide free services to the County. Children get to know both parents, and when a parenting plan is filed through CSS, parents do not incur a filing fee. Finally, the custodial parents and their children are receiving much-needed child support, so that fewer families need public assistance.

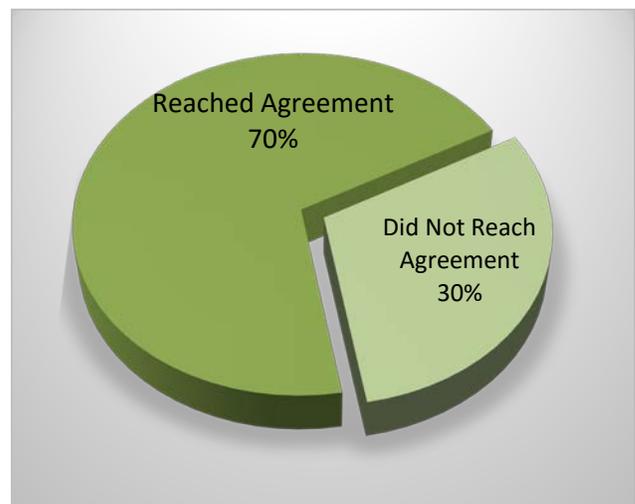
JCMS received 384 referrals from CSS in 2016. CSS reported that the rate of payment increased by about 17 percent when the parents agreed to participate in mediation. At an average payment of \$284 per month for child support, our 124 successful cases helped CSS collect an additional \$455,595.

Figure 2 shows the results of the cases referred by CSS in 2016. Figure 3 shows the results of the 178 cases actually mediated: 124 cases resulted in agreement (70 percent) and 54 did not result in agreement (30 percent). Our mediators met one or more times with parties to these cases - a total of 265 meetings.

**Figure 2: Results of Child Support Cases Referred**

Total Cases Referred	384
Cases Assigned to Mediators	178
Reached Agreement	124
No Agreement	54
No Show - One or More Parties failed to Appear	5
Refused by One or More Parties	104
Rejected by JCMS as Inappropriate	25
One or More Parties Could Not be Reached	31
Results Pending at Time of Report	41

**Figure 3: Results of Child Support Cases Mediated**



# Mediation in Jefferson County Courts

## Protection Order Conditions Conferences (POCC)

JCMS provides trained, volunteer facilitators at no cost to several judges on the days that they are hearing requests for permanent protection orders. The facilitators are trained in domestic-violence issues as well as conflict resolution techniques. They use the Protection Order Conditions Conferences process, where parties are put into different rooms, and the facilitators shuttle between the parties to coordinate a discussion, allowing the parties to convey their concerns and needs to each other and, in many cases, negotiate the terms of an eventual permanent or extended temporary protection order, without the direct or implied coercion, fear or intimidation that a face-to-face mediation or court appearance could entail.

Domestic couples can discuss retrieval of personal property by the restrained party, exchange of children and parenting time. Neighbors can work on ways to co-exist, given that they will continue to see each other. Students and their families work to find solutions that will enable the students to continue their school education peacefully. The parties often make written agreements, and can ask the judge to incorporate them into their protection orders, to make their lives more manageable. In contrast the judge may not have time, or think it is appropriate, to discuss issues apart from statutory requirements with the parties.

In 2016, of the 177 cases assigned to mediators, 104 cases, or 59 percent, resulted in agreements, and 73 cases, or 41 percent, did not.

## Small Claims and County Civil Court

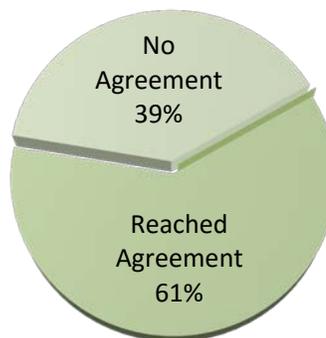
JCMS provides mediators for Small Claims Court and County Civil Court. The mediators offer the disputants “facilitated settlement conferences,” where mediators are more directive and use more reality checking than in typical mediations. If mediation does not settle the dispute, the parties proceed to have their cases heard by a magistrate or judge. Since the parties are already in the court process, they may be rigid in their positions. The mediators in these cases must make a relatively rapid assessment as to whether an agreement is possible and, if so, must try to reach a settlement quickly. Some people choose to try mediation before they even file a court case, which saves even more court time.

61 percent of mediated cases in 2016 resulted in agreements. This is in line with national averages for such cases.

**Figure 4:  
Data for Small Claims and  
County Court Cases**

Total Cases	684
Refused or Rejected	41
One or More Parties Could Not be Reached	4
Cases Assigned to Mediators	639
Reached Agreement	390
No Agreement	249

### 2016 Small Claims and County Court Cases Mediated



## Our Mediators

At the heart of the success of Jefferson County Mediation Services are the mediation professionals who donate their time and energy to the program on an ongoing basis. The number of volunteer mediators has expanded from just 20 when the program began in 1994 to about 240 today. In 2016, they gave a total of 4,080 hours to Jefferson County.

### *Backgrounds and Qualifications*

Our volunteers come from diverse educational and employment backgrounds and provide a large wealth of experience, expertise and bi-lingual competence. They include:

- Lawyers and paralegals
- Businessmen and consultants
- Technicians
- Educators
- Medical professionals
- Psychologists and counselors
- Government workers
- Scientists
- Human-resource professionals

Because our program is so comprehensive and varied, it attracts volunteer mediators from across metro Denver and Colorado. Each mediator brings an individual set of talents, personality and experience. Personal traits, aptitudes, training and life history make each mediator a unique asset to this outstanding service.

Each volunteer must complete a 40-hour mediation training course (or equivalent) prior to joining the program, and must attend our orientation and pass a background check. Background checks are repeated every three years.

JCMS volunteers share a desire to help citizens resolve conflict without violence. They also view the program as a credible way to build skills and experience that are recognized by our state's professional organization, the Mediation Association of Colorado. Mediators commit to serve for one year at a time; however, nearly half of our current volunteers have served for four or more years. Their contributions are immense: without the dedication, expertise and hard work of each of these mediators, JCMS could not have attained the remarkable level of quality that it offers today.

The community benefits from an increasing pool of mediators experienced in the variety of cases amenable to mediation. Some of our volunteers have gone on to establish or run community mediation services elsewhere, so the benefits continue to spread, giving citizens a viable alternative to other, more expensive, destructive and time-consuming means of conflict resolution (e.g., litigation).

The mediators benefit as well: we observe, critique and mentor our volunteers, and offer trainings and informative colloquia, so JCMS mediators become members of a larger community of conflict-resolution professionals.

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