

“The Jury Trial”

February 29, 2024, at 1:00 p.m.

Presented by the VBBA and the Va. Beach Circuit Court

Virginia Beach Circuit Court 2023 Jury Trial Statistics

Month	# Juries Scheduled	Criminal v. Civil		# of Juries Tried		% of Juries tried
January	50	27	Criminal	8	4 Criminal	16%
		23	Civil		4 Civil	
February	58	36	Criminal	7	4 Criminal	12%
		22	Civil		3 Civil	
March	58	35	Criminal	7	6 Criminal	12%
		23	Civil		1 Civil	
April	51	27	Criminal	5	4 Criminal	10%
		24	Civil		1 Civil	
May	57	31	Criminal	4	2 Criminal	7%
		26	Civil		2 Civil	
June	65	36	Criminal	10	7 Criminal	15%
		29	Civil		3 Civil	
July	58	29	Criminal	4	1 Criminal	7%
		29	Civil		3 Civil	
August	70	33	Criminal	3	2 Criminal	4%
		37	Civil		1 Civil	
September	61	29	Criminal	6	5 Criminal	10%
		32	Civil		1 Civil	
October	58	24	Criminal	9	4 Criminal	15%
		34	Civil		5 Civil	
November	33	29	Criminal	5	4 Criminal	15%
		28	Civil		1 Civil	
December	37	18	Criminal	3	2 Criminal	8%
		19	Civil		1 Civil	

Average # of days for jury trials: 2 days

Virginia Beach Circuit Court 2024 Jury Trial Statistics

Number of jury trials currently scheduled for 2024: 383

Number of jury trials currently scheduled for 2025: 25

Number of assigned jury trials per judge (as of 2/5/24): 65-70/per judge

Virginia Beach Circuit Court Jury Trial Statistics from previous years

Year	# of Juries that went to trial
2021	27
2022	54

1. How to accurately assess how many days needed for a jury trial?

- You should consider the following:
 - Who are the attorneys involved? Some are more “thorough” than others
 - ✓ Are any of the parties pro se?
 - Type of case or charges before the court
 - ✓ Sex offense cases tend to have longer voir dire
 - ✓ The number of voir dire questions you intend to ask
 - See Va. Code Section 19.2-262.01 regarding voir dire
 - Total number of witnesses each side decides to call
 - ✓ This is why attorneys are required to file witness lists
 - ✓ Generally, 1-2 witnesses can finish in one day
 - Will video depositions be played and the length of the video
 - The number of potential jury instructions to be used (See also Va. Code Section 19.2-263.2)
 - Is a view of the scene or location by the jury necessary?
 - ✓ Va. Code Section 19.2-264.1
- Most judges leave it up to the attorneys to decide if they need alternates and how many.

2. How and when to schedule pretrial motions and post-trial motions?

- VBCC Jury Case Assignment Policy
- Since all juries are assigned, you can contact the judicial assistant for the assigned judge and provide your available dates and times for a hearing, **OR**
- Schedule the motion on the assigned judge’s duty docket **IF** it meets the requirements for what can be on a duty docket.
- Please **do not** schedule a hearing with the court **until** the motion has been filed. Then send the notice out after you have a hearing date.

3. Suggestions to clear up docket congestion.

- Consider having a Judicial Settlement Conference
- Notify the court of settlements and plea agreements as soon as possible.
- Enter plea negotiations as soon as practical.



THE DIVISION OF DISPUTE RESOLUTION SERVICES (DRS)

Fiscal Year 2023 (July 2022- June 2023)



MAIN PROGRAMS

Judicial Settlement Conference

Mediation

Parent Education



JUDICIAL SETTLEMENT CONFERENCE

Case Information: Statistics

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

Domestic Relations

Divorce, Custody & Visitation, Equitable Distribution, spousal support, etc. - 59%

Tort/Personal Injury

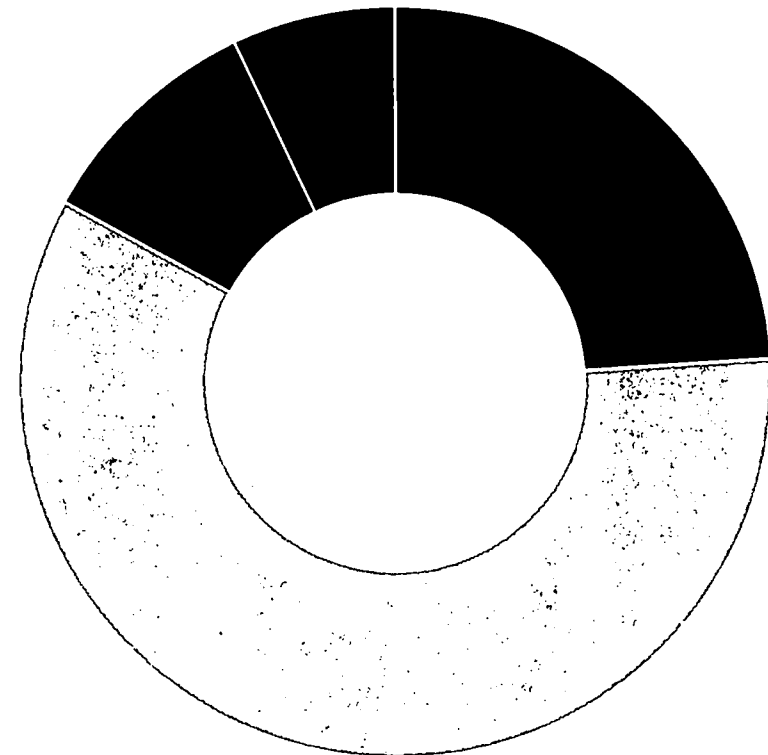
Auto accidents, medical malpractice, Slip/Fall cases, etc. - 24%

Commercial

Contracts, real estate, construction, etc. - 10%

Miscellaneous

Other civil case types like condemnation and probate cases can be referred as well - 7%



■ Tort/Personal Injury □ Domestic Relations
■ Commercial ■ Miscellaneous

JUDICIAL SETTLEMENT CONFERENCE

Case Information: Statistics

- Average number of days from case referral to settlement conference: **91** (n=1008)*



- Average hours spent in Judicial Settlement Conference: **3.2** (n=1008)*



*For conferences with a final session between 7/1/22 and 6/30/23



= 1 hour



= 30 days



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Frequently Asked Questions About the Judicial Settlement Conference Program

What is a judicial settlement conference?

A judicial settlement conference is an informal process in which a retired circuit court judge, trained in mediation and settlement conference skills, actively facilitates a process whereby parties in conflict may reach a mutually satisfactory resolution.

How much does it cost to participate in the Judicial Settlement Conference Program?

Settlement conference services are available to all circuit courts at no cost to the parties.

Why have a Judicial Settlement Conference Program?

Settlement conference judges, who have a wealth of legal experience and subject matter expertise, can offer attorneys and their clients valuable case evaluations and neutral settlement assistance.

Settlement conference judges may provide an independent assessment of the risks of litigation.

The Judicial Settlement Conference Program facilitates the settlement of cases that would otherwise result in costly and lengthy trials.

When may a judicial settlement conference be useful?

Parties may be motivated to settle due to time constraints, expenses, or other factors.

Parties wish to have a neutral evaluation of their case in a private setting or wish to undergo a legal and factual "reality testing" by the settlement judge.

Parties differ substantially in their opinions on the value of the case and/or on the amount of damages that should be awarded.

What kinds of cases are appropriate for the Judicial Settlement Conference Program?

Settlement conference may be used for any civil case filed in court.

The program may be used with a variety of case categories, including but not limited to: tort/personal injury, commercial, domestic relations, etc.

Settlement conference may be most useful in cases where the parties have not completely explored settlement options and are unlikely to do so without the assistance of a neutral party.

What happens during a judicial settlement conference?

- **Involvement of Litigants and Their Lawyers:** Lawyers and parties on all sides are encouraged to be active participants. By their presence at the settlement conference, lawyers and parties are deemed to be making a good faith effort at resolving the case in controversy.
- **Collaborative Session:** The settlement conference judge may allow an opportunity for both parties to be heard and may use other conflict resolution techniques that are characteristic of mediation. There may be an initial session in which all parties are in the same room. Often the parties segregate immediately after the initial session and do not directly interact. The settlement judge may elect to reconvene the parties later in the process.
- **Urging Settlement:** The settlement conference judge may use a variety of techniques to encourage and shape settlement, including suggesting settlement terms, providing settlement ranges, and directing the parties to appropriate grounds for settlement based on law or industry practice.
- **Case Evaluation within the Separate Caucus:** The settlement conference judge may meet privately with each side of the case and point out strengths, weaknesses, and potential problems that the party may not have considered regarding their case. Everything said in a private caucus is confidential, except for what the party in the caucus room authorizes the settlement judge to communicate to a party in the other caucus room.
- **Independent Perspective:** The settlement conference judge may provide the parties with an independent perspective regarding the outcome of the case.

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How much settlement authority do the judicial settlement conference judges have?

Settlement conference judges have no trial authority with regard to a given case, but merely assist the parties in assessing their case and possibly reaching settlement.

Is the Judicial Settlement Conference Program voluntary?

Once a judge refers parties to the program, the parties are required to attend the conference; however, they do not have to settle. If the dispute is not resolved by the conference prior to the parties' trial date, the parties shall appear in court at the appointed time.

Is the Judicial Settlement Conference Program confidential?

Yes. Nothing said during the settlement conference and nothing prepared for the settlement conference is deemed admissible evidence at trial, unless the statement or document is independently admissible. Furthermore, the settlement conference judge maintains confidentiality with respect to the settlement conference proceedings and only reports to the referring court the terms of the agreement, if authorized by the parties, or the fact that no agreement was reached.

What are the Judicial Settlement Conference Program Procedures?

Office of the Executive Secretary
Supreme Court of Virginia
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Richmond, Virginia 23219

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