



FRANKLIN COUNTY MUNICIPAL COURT

ODR AND MEDIATION DATA PROJECT





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you determine
agreement



end legal
dispute quicker



reduce time
at court



minimize harm
to credit



avoid
garnishments



create a plan
that works

ODR

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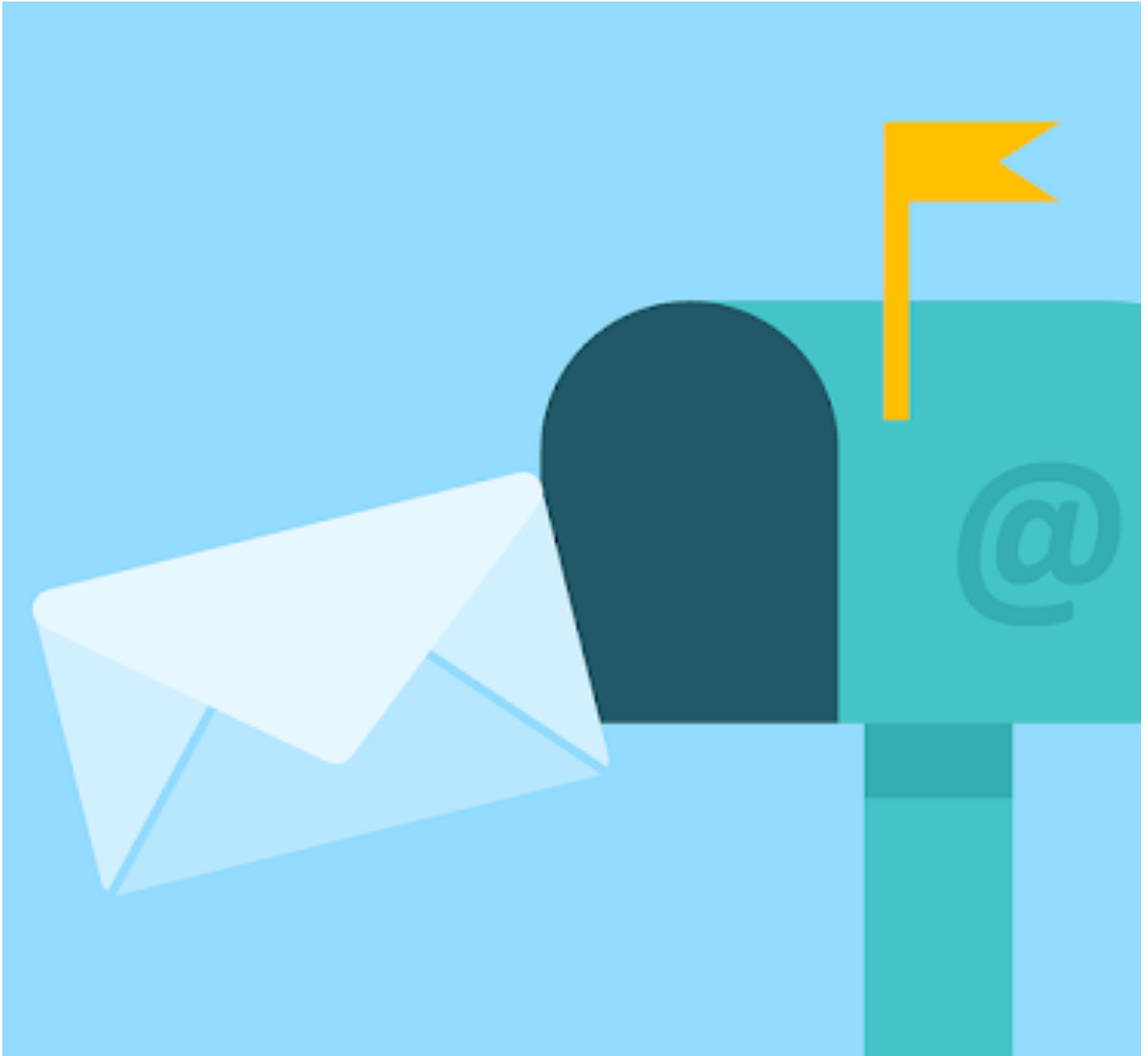




DATA

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ABOUT THE COURT

The City of Columbus, located within Franklin County, Ohio, is the 14th largest city in the United States with a population of 892,533. The median family income in Franklin County is \$56,319. The percentage of residents that identify as minority is 37.4%. In 2015, Columbus ranked 5th among large metro areas with the highest levels of overall income segregation.

The Franklin County Municipal Court (FCMC) is the largest court in Ohio with more than 40,000 civil cases filed annually. The General Division's monetary jurisdiction is \$15,000. The Small Claims Division's monetary jurisdiction is \$6,000. Ohio has a non-unified court system.

For more than 40 years FCMC has promoted access to justice for all court users by providing mediation services across all civil case types. The Court's Dispute Resolution Department coordinates an average of 2,500 mediations annually. Parties are referred to mediation by self-referral or court order. FCMC facilitates mediation and negotiation in-person, by phone, and online.

PROJECT PURPOSE





and high minority rates are associated with negative case dispositions. The [2015 NCSC State of State Courts Poll](#) highlights the issue and the public desire for courts to develop innovative, technology-based solutions that promote dispute resolution options.

The purpose of the FCMC Data Project is to demonstrate the value of court-connected alternative dispute resolution, promote transparency, and provide a resource for anyone interested in court-connected mediation and online dispute resolution as an access to justice initiative.

Project analyses are defendant-focused. Project data, including party information and case dispositions, are static as of September 2019. Project data were manually collected and entered and subject to human error. In accordance with Ohio law, some data were not collected. Questions or suggestions are welcomed and may be submitted through the [Contact](#) form.

LITIGATION AND MEDIATION BENCHMARKS





FCMC DATA PROJECT

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Collection cases were filed in the FCMC General Division. A total of 11,143 (56.8%) of those cases resulted in default judgments for failure to answer the complaint.

Unfortunately for most state courts, default judgment is the status quo. While a default judgment may quickly close a case, the legal process continues. Other courts, banks, and employers may need to process the judgment or garnishment, and the judgment itself may be subject to attack.

The following chart shows the default rate for all FCMC General Division debt collection (CVF) cases by year:

Year	Default %	Default Judgments	CVF Cases Filed
2011	60.33%	12,646	20,962
2012	59.97%	11,804	19,682
2013	57.62%	7,871	13,661
2014	56.92%	8,610	15,127
2015	57.10%	9,128	15,986
2016	57.22%	8,887	15,530
2017	56.83%	11,143	19,606





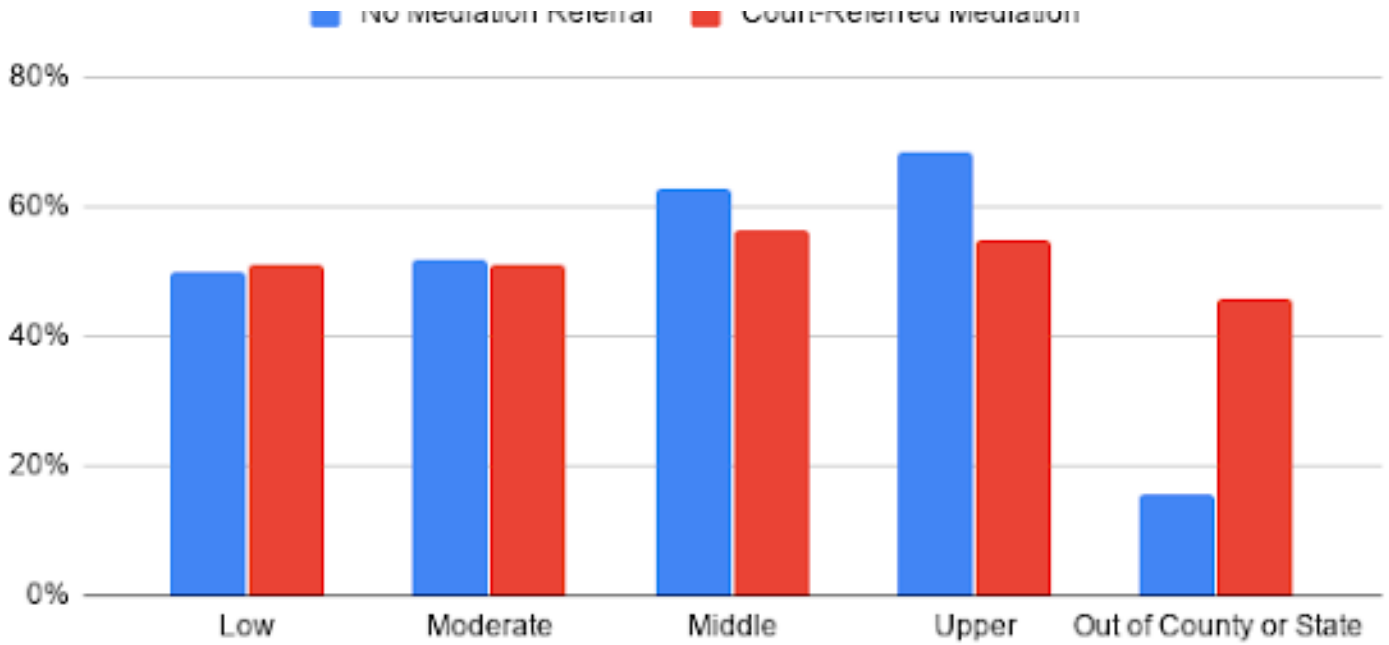
associated with risk and significant investments of time and money. Mediation is an opportunity to resolve a dispute through facilitated negotiation while minimizing the risks, time, and costs associated with litigation. Mediated agreements are expected to produce positive case dispositions and increase perceptions of procedural and substantive fairness.

Positive case dispositions include dismissals and agreed/consent judgments, dispositions that are more likely than not the product of a negotiated agreement. Those case dispositions also do not require judicial intervention.

Negative case dispositions are those that require some level of judicial intervention and resources. Default judgment, summary judgment, judgment on the pleadings, and trial are examples of case dispositions that require judicial intervention. Those case dispositions also are associated with party dissatisfaction and perceptions of unfairness. Additional information about procedural fairness and party perceptions is available at proceduralfairness.org.

LITIGATION AND MEDIATION COMPARISON



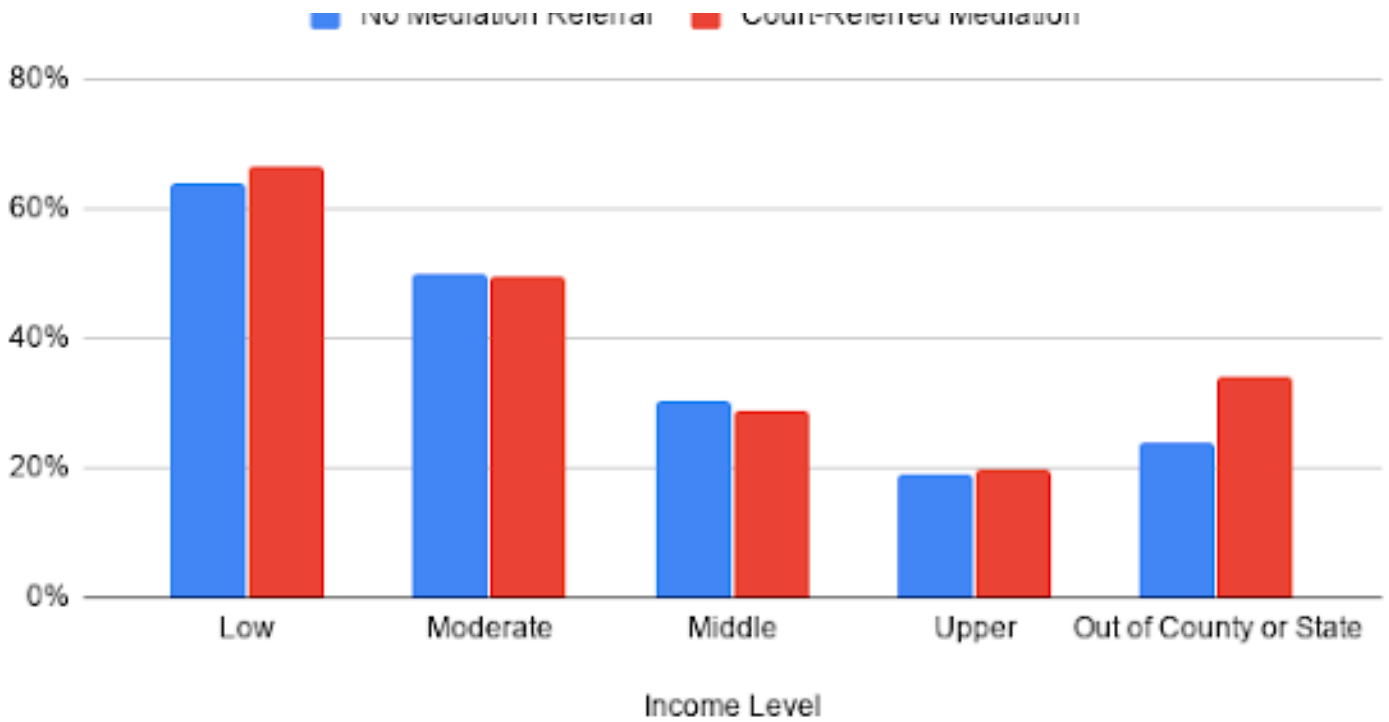


Positive Disposition by Income Level

NON-MEDIATED CASES

Litigation Data Visualization





MEDIATED CASES

Mediation Data Visualization

Two datasets were created for the purpose of comparing mediated and non-mediated cases: (1) cases assigned to a judge but not referred to mediation; and (2) cases assigned to a judge and referred to mediation. A case is assigned to a judge if a defendant files an answer or if a defendant files a motion some time during the life of a case.

Defendant demographic profiles were created for the purpose of evaluating inequities, efficiencies, and access to justice. US Census tract, FFIEC, and defendant location data were collected. From that data, income level, household income, and minority percentage for census tracts were extracted. Case dispositions and mediation outcomes were compiled for the datasets. Some defendant demographic data were unavailable if no census tract was identified.

The majority of defendants in the non-mediated case dataset were low-to-moderate income individuals with a higher than average minority percentage. Low-to-moderate



A small number of out-of-county defendants were identified in the random sample, suggesting either a low participation rate for those individuals or a lower total number of those individuals involved in cases generally.

No Mediation Defendants - Income and Race Demographics

FFIEC Income Level	% of Total	Total	Avg. Est. Income	Minority %
Low	15%	98	\$30,034.57	64
Moderate	31%	204	\$48,455.37	50
Middle	20%	132	\$70,739.07	30
Upper	19%	121	\$118,842.67	19
Out of County or State	15%	96	\$78,285.35	24
		651		

No Mediation Defendants - Dispositions by Income Level

Income Level	Dismissed	AJE/CJE	Motion/Trial	Total
Low	29	20	10	59
Moderate	65	41	38	144
Middle	46	37	11	94
Upper	52	31	12	95
Out of County or State	0	15	4	19
	192	144	75	411





cases not resolved in mediation, and (3) cases resolved prior to mediation (parties resolved without mediator assistance).

Less than 3% of cases resolved in, or prior to, mediation resulted in negative case dispositions, suggesting that the vast majority of negotiated agreements result in positive case dispositions. About 40% of cases not resolved in mediation also resulted in negative case dispositions. Some cases were undisposed as of September 2019.

Resolved in Mediation - Dispositions by Income Level

Income Level	Dismissed	AJE/CJE	Motion/Trial	Avg. Est. Income	Total
Low	86	77	8	\$27,243.48	171
Moderate	124	161	11	\$49,629.69	296
Middle	105	136	10	\$71,924.10	251
Upper	92	87	9	\$113,557.99	188
Out of County or State	31	25	4	\$69,648.63	60
	438	486	42		966

Resolved Prior to Mediation - Dispositions by Income Level

Income Level	Dismissed	AJE/CJE	Motion/Trial	Avg. Est. Income	Total
Low	94	42	1	\$28,683.49	137
Moderate	133	141	4	\$48,605.04	278
Middle	148	141	3	\$72,641.20	292
Upper	114	93	6	\$115,269.26	213
Out of County or State	52	24	0	\$69,063.99	76
	541	441	14		996

Not Resolved in Mediation - Dispositions by Income Level

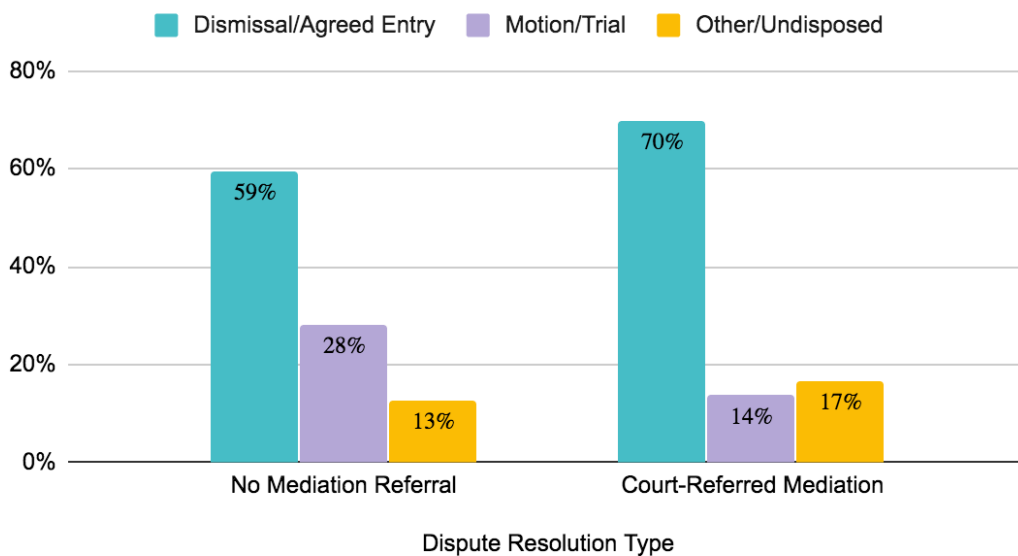
Income Level	Dismissed	AJE/CJE	Motion/Trial	Avg. Est. Income	Total
Low	50	13	59	\$28,945.28	122
Moderate	92	31	123	\$48,645.79	246
Middle	82	29	59	\$71,654.10	170
Upper	97	23	42	\$116,479.13	162
Out of County or State	45	8	29	\$75,863.18	82
	366	104	312		782

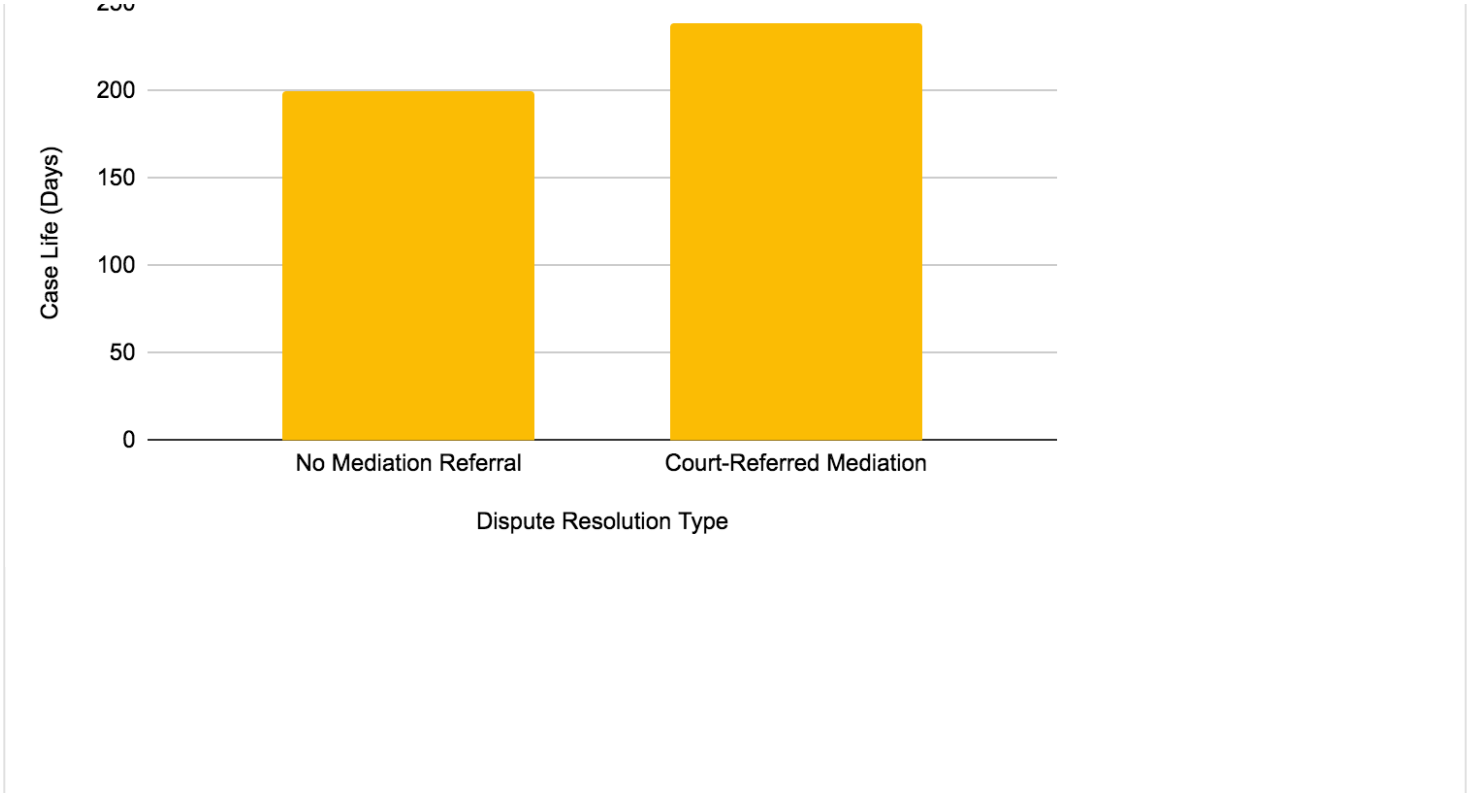




Neither income nor race negatively impacted mediated case dispositions. The case life for mediated cases was 40 days longer than non-mediated cases.

Case Dispositions (Litigation vs. Mediation)







defendants in mediated cases. Middle-to-upper income defendants and out-of-county defendants were more likely to be represented than low-to-moderate income defendants in both datasets.

No Mediation Defendants - Representation

Income Level	Attorney	Pro Se
Low	35%	65%
Moderate	35%	65%
Middle	52%	48%
Upper	55%	45%
Out of County or State	59%	41%

Mediation Defendants - Representation

Income Level	Attorney	Pro Se
Low	25%	75%
Moderate	25%	75%
Middle	29%	71%
Upper	35%	65%
Out of County or State	35%	65%





relatively equal between cases not referred to mediation and cases referred to mediation. Self-represented defendants in non-mediated cases experienced a significantly lower positive disposition rate than their counterparts that were referred to mediation. Self-represented defendants in mediation experienced positive disposition rates 15% to 19% higher than defendants that were not referred to mediation. Out-of-county defendants were the only group with lower positive disposition rates.

Positive Dispositions – Attorney Representation

Income Level	No Mediation – Attorney	Mediation – Attorney
Low	62%	65%
Moderate	75%	76%
Middle	75%	76%
Upper	81%	75%
Out of County or State	72%	71%

Positive Dispositions – Self-Represented

Income Level	No Mediation – Pro Se	Mediation – Pro Se
Low	44%	61%
Moderate	39%	58%
Middle	50%	65%
Upper	54%	70%
Out of County or State	64%	61%

THE FIRST SMALL CLAIMS ODR PLATFORM







1. Reduce default judgments by improving access to court services.
2. Eliminate barriers to access with a free, user-friendly online portal.
3. Provide dispute resolution services for cases that would not otherwise be resolved through negotiation or mediation.

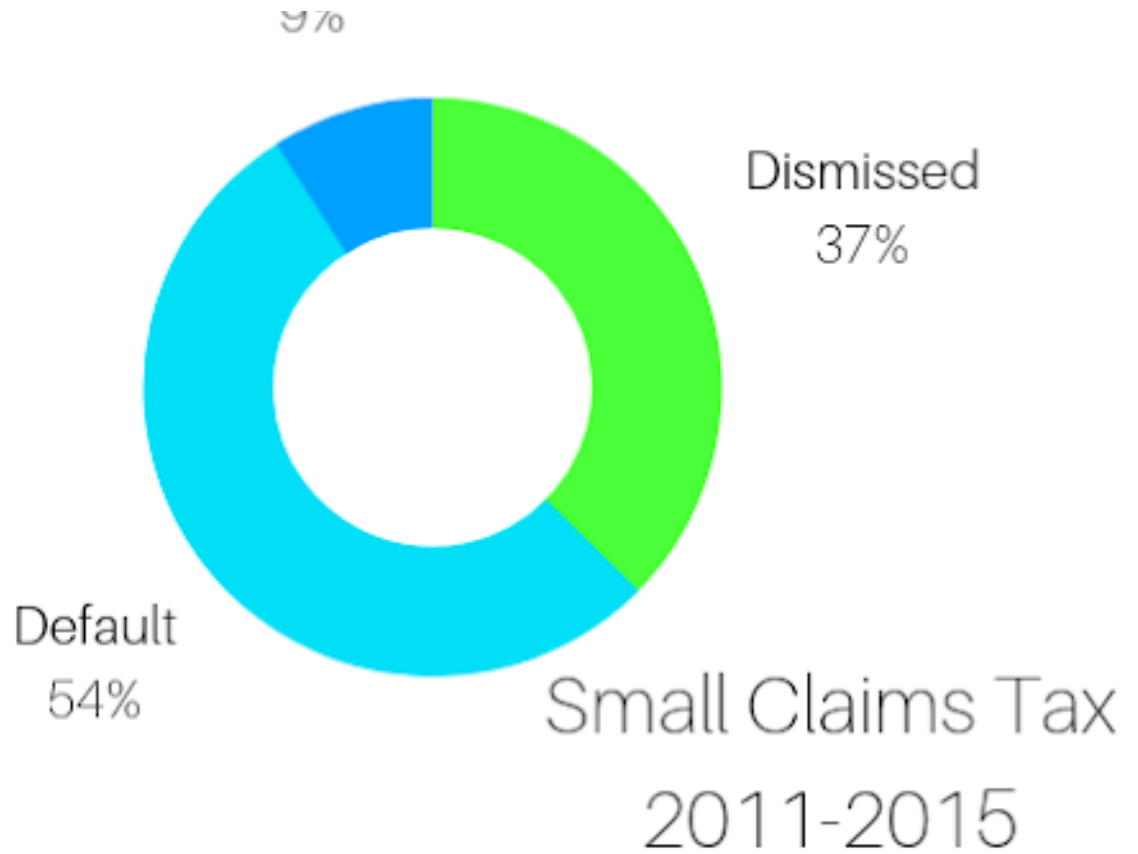
The court launched a one-year pilot focusing on City of Columbus Division of Income Tax (CDIT) cases. CDIT was selected because it represented the largest small claims plaintiff with the highest percentage of default judgments.

The FCMC ODR tax portal facilitates direct online negotiation between the plaintiff city attorney and a tax-payer defendant. Participation is 100% voluntary and there are no barriers/restrictions imposed on the parties. Parties may access the portal anywhere, anytime.

An in-depth statistical review of CDIT ODR cases will be published in "Platform Procedure: Using Technology to Facilitate (Efficient) Civil Settlement." JJ Prescott and Alexander Sanchez. In *Selection and Decision in Judicial Process Around the World: Empirical Inquiries*, edited by Yun-chien Chang. Cambridge: Cambridge University Press, Forthcoming, 2019.

ODR FACILITATES POSITIVE CASE DISPOSITIONS





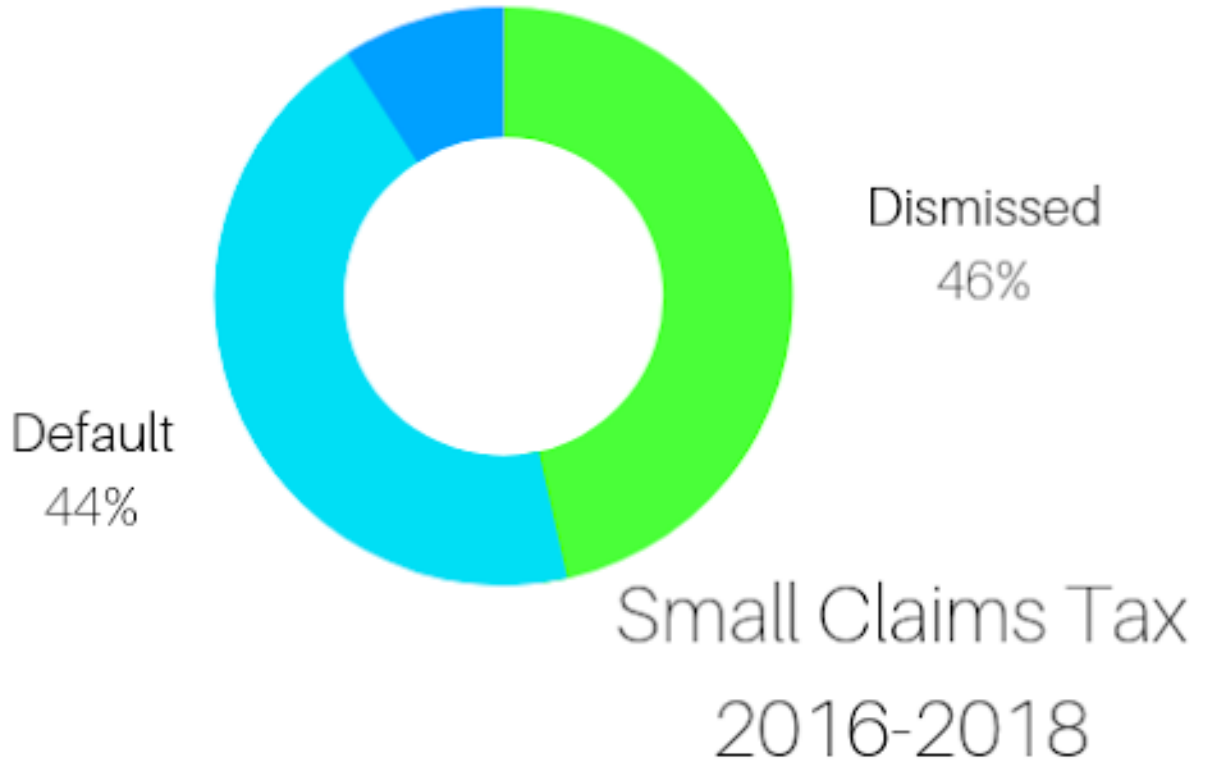
STATUS QUO PRIOR TO ODR

54% Default Judgment Rate





70

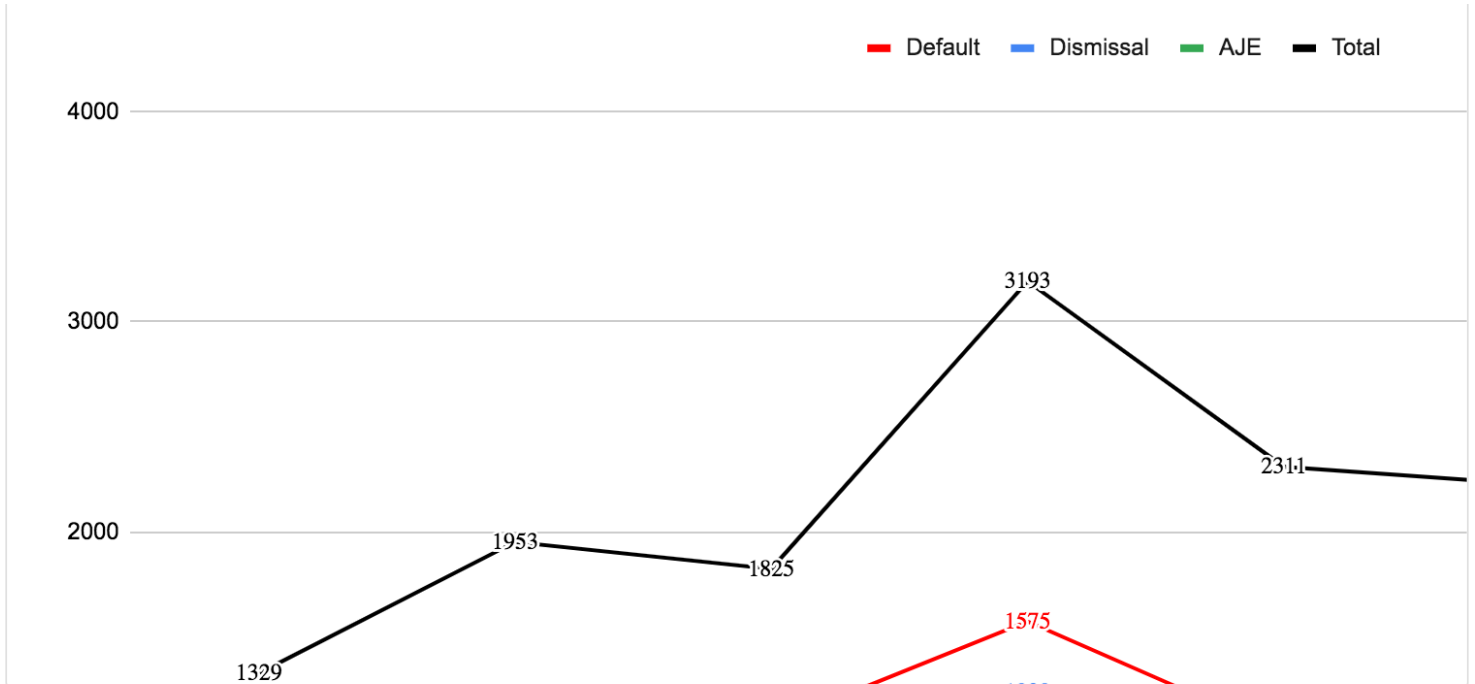


POST ODR

44% Default Judgment Rate

Dismissals Now Outpace Default Judgments in Small Claims Tax Cases

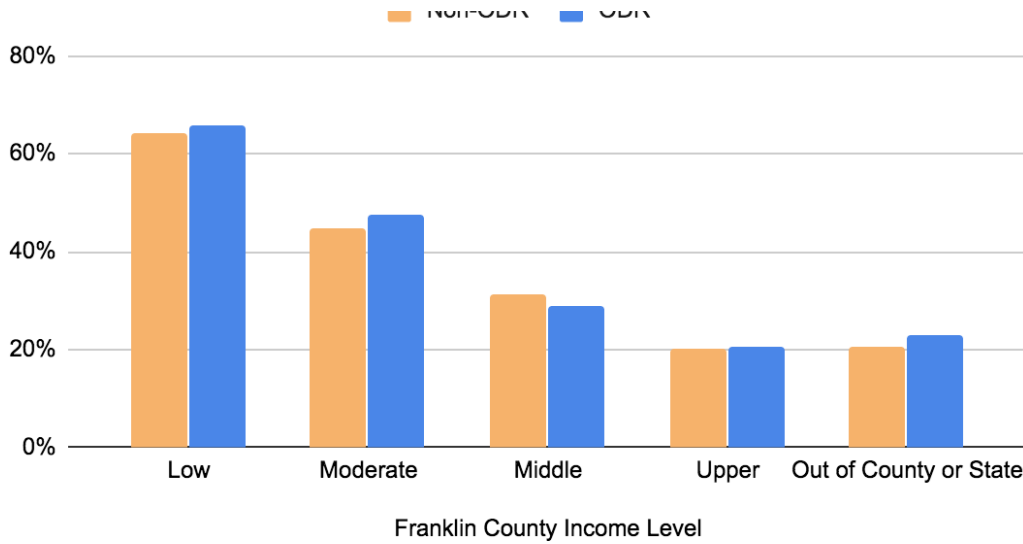




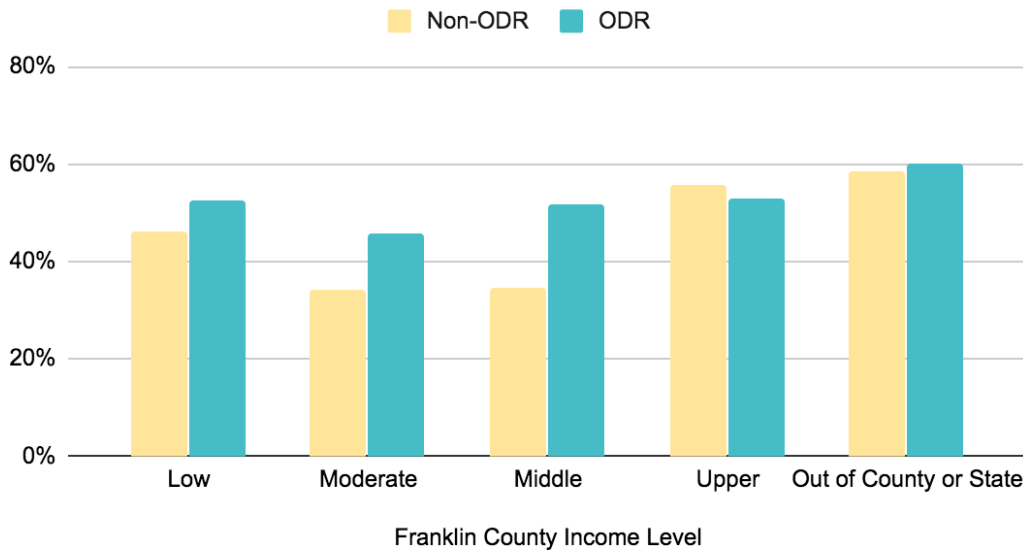
ODR PROMOTES EQUAL ACCESS TO CIVIL JUSTICE

Two data sets were created for comparing ODR versus non-ODR outcomes: (1) a random sample of CDIT cases from 2017; and (2) ODR participants to date. Defendant demographic profiles were created for the purpose of evaluating ODR and non-ODR outcomes. US Census tract, FFIEC, and defendant data were collected. Relevant data included income level, household income, and minority percentage for census tracts. Case dispositions and mediation outcomes were compiled across both ODR and non-ODR tax cases.





Dismissal Percentage by Income





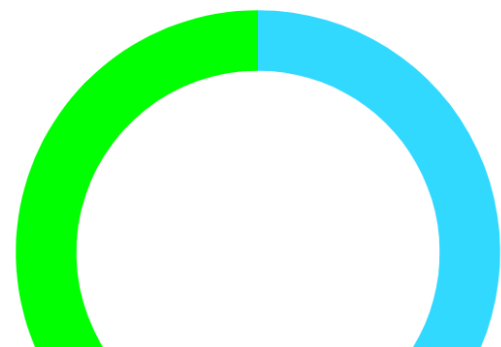
LOW	40%	54	59	53%	50	40
Moderate	34%	45	99	46%	48	107
Middle	35%	31	81	52%	29	87
Upper	56%	20	52	53%	21	66
Out of County or State	58%	21	53	60%	23	63
Average or Total	46%	36	324	53%	37	363

Low-to-middle income defendants in the non-ODR tax sample set experienced a lower percentage of dismissals than upper income and out-of-county defendants, whose income levels exceed low-to-middle income defendants. Similarly, higher minority percentage defendants experienced a lower percentage of dismissals.

ODR tax participants experienced both a higher rate of dismissals and a relatively equal percentage of dismissals across income groups. The average dollar amount at issue in the CDIT ODR dataset was \$1,041.51. Low, middle, and upper income defendants had nearly identical dismissal percentages. Similarly, minority percentages increased without negative case dispositions.

A significant percentage of ODR participants accessed the portal outside of traditional business hours (8 am to 5 pm).

Tax ODR - Defendant's First Access



The CDIT ODR portal achieved its three primary goals:

1. The Default judgment rate for CDIT cases reduced by 10%.
2. More than one-third of CDIT defendants accessed court services outside of business hours.
3. Dismissals now outpace default judgments in CDIT cases.





TYPES





platform is one of three ways parties may participate in mediation (online, in-person, or by phone).

The data collection and analysis methods for non-tax ODR cases mirrored the mediation and tax-ODR evaluations.

Non-Tax ODR Mediation Defendants - Income and Race Demographics

Income Level	% of Total	Total	Avg. Est. Income	Case Life (Days)	Minority %
Low	12%	15	\$27,762.80	151	60
Moderate	31%	38	\$50,385.61	211	42
Middle	28%	35	\$73,501.91	148	24
Upper	24%	29	\$108,848.55	144	17
Out of County or State	5%	6	\$72,130.17	176	43
		123		167	

Non-Tax ODR Resolved in Mediation - Dispositions by Income Level

Income Level	Dismissed	AJE/CJE	Motion/Trial	Avg. Est. Income	Total
Low	6	8	0	\$27,265.00	14
Moderate	10	14	1	\$50,467.97	25
Middle	5	21	0	\$72,750.59	26
Upper	6	18	0	\$107,929.88	24
Out of County or State	3	2	0	\$57,608.20	5
	30	63	1		94

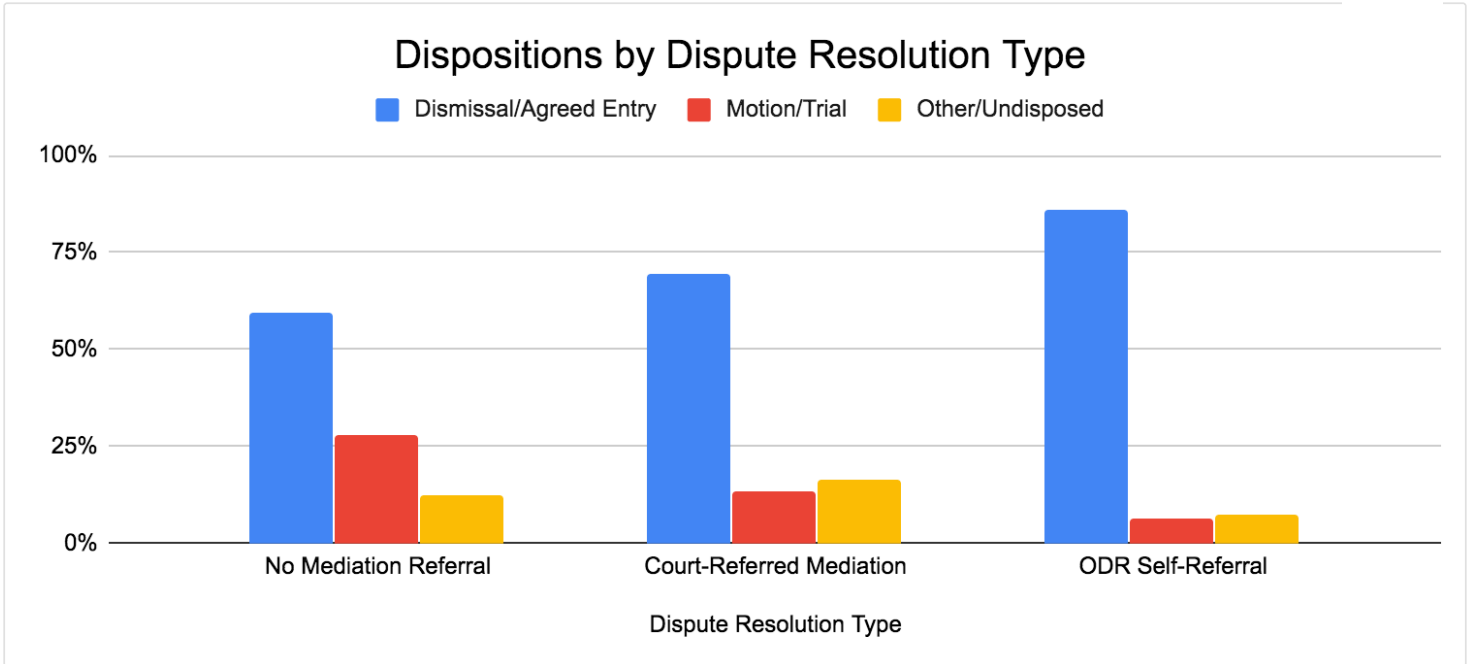
ODR Not Resolved in Mediation - Dispositions by Income Level

Income Level	Dismissed	AJE/CJE	Motion/Trial	Avg. Est. Income	Total
Low	1	0	0	\$34,732.00	1
Moderate	2	0	3	\$49,662.83	5
Middle	2	3	1	\$74,282.00	6
Upper	1	0	1	\$104,076.50	2
Out of County or State	0	0	1	\$144,740.00	1
	6	3	6		15





portal were disposed quicker than non-mediated and mediated cases.



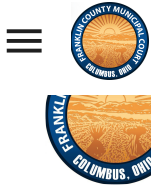
PARTICIPANT FEEDBACK

"Everyone has been very helpful when I needed to resolve my cases. I felt the process was very fair and simple."

"Agent I worked with had my concerns and also helped me set up a workable payment plan that fits my budget."

"It was a very good experience. It can be overwhelming and intimidating to go to the court room, online made the whole process so much less intimidating and more comfortable to come up with a resolution."



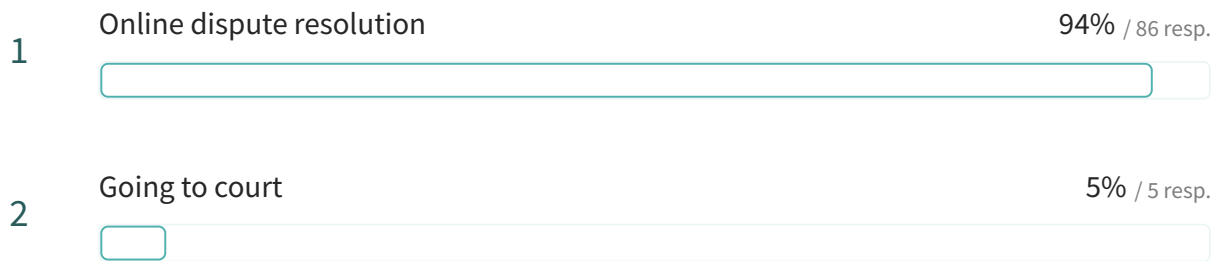


FCMC - Small Claims

92 responses

Given the choice between online dispute resolution and going to court, which would you prefer?

91 out of 92 answered



[FCMC Small Claims Division & Dispute Resolution Dept.](#)

[FCMC ODR Platform](#)

[Court Innovations - Matterhorn](#)

[Litigation and Mediation Benchmarks](#)

[Online Dispute Resolution and Access to Justice](#)



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