

Developing Effective Practices in Family Caseflow Management

**A Manual Prepared for the California
Administrative Office of the Courts**

**Center for Families, Children
and the Courts**

by

Greacen Associates, LLC

October 2005

Project Planning Team

The California Administrative Office of the Courts gratefully acknowledges the assistance of the persons who served on the Project Planning Team for the Developing Effective Practices in Family Caseflow Management Project.

Commissioner Sue Alexander, Superior Court of Alameda County
Steve Baron, Administrative Office of the Courts, CFCC
Commissioner Louise Bayles-Fightmaster, Superior Court of Sonoma County
Judge Aviva Bobb, Superior Court of Los Angeles County
Judge Jerilyn Borack, Superior Court of Sacramento County
Margie Borjon-Miller, Administrative Office of the Courts, IS
Jim Brighton, Superior Court of Alameda County
Sheila Calabro, Administrative Office of the Courts, SRO
Karen Cannata, Administrative Office of the Courts, IS
Jeanne Caughell, Administrative Office of the Courts, BANCRO
Deborah Chase, Administrative Office of the Courts, CFCC Project
Director

Charlene Depner, Administrative Office of the Courts, CFCC
Kathleen Dixon, Superior Court of Los Angeles County
George Ferrick, Administrative Office of the Courts, CFCC
David Foster, Administrative Office of the Courts, CJER
Shawn Gleeson, Superior Court of San Diego County
John Greacen, Greacen Associates, LLC Consultant
Judge Mary Ann Grilli, Superior Court of Santa Clara County
Clifford Ham, Administrative Office of the Courts, EOP
Frances Harrison, Superior Court of San Diego County
Donna Hershkowitz, California Senate, Office of Research
Bonnie Hough, Administrative Office of the Courts, CFCC
Ron Hulbert, Superior Court of Riverside County
Marilyn James, Superior Court of San Diego County
Patricia Kaplan, Superior Court of Alameda County
Tracy Kenny, Administrative Office of the Courts, OGA
Youn Kim, Administrative Office of the Courts, CFCC
Margaret Little, Superior Court of Los Angeles County
Dag MacLeod, Administrative Office of the Courts, EOP
Judge Barbara Miller, Superior Court of Alameda County
Fred Miller, Administrative Office of the Courts, BANCRO
Lee Morhar, Administrative Office of the Courts, CFCC
Andrea Nelson, Superior Court of Butte County
Diane Nunn, Administrative Office of the Courts, CFCC
Judge Donna Petre, Superior Court of Yolo County

Christine Patton, Administrative Office of the Courts, BANCRO
Michael Planet, Superior Court of Ventura County
Florence Prushan, Administrative Office of the Courts, SRO
Mike Roddy, Administrative Office of the Courts, NCRO
Judge Arnold Rosenfield, Superior Court of Sonoma County
Judge Robert Schnider, Superior Court of Los Angeles County
Gretchen Seratta, Superior Court of Nevada County
Eryn Shomer, Administrative Office of the Courts, CFCC
Judge Dean Stout, Superior Court of Inyo County
Nancy Taylor, Administrative Office of the Courts, CFCC
Mary Beth Todd, Superior Court of Calaveras County
Julia Weber, Administrative Office of the Courts, CFCC
Bobbie Welling, Administrative Office of the Courts, CFCC
Don Will, Administrative Office of the Courts, CFCC
Christine Williams, Administrative Office of the Courts, CFCC
Claire Williams, Superior Court of San Francisco County
Michael Wright, Administrative Office of the Courts, CFCC

Table of Contents

Overview		5
Chapter 1	A statistical snapshot of family case processing in California	12
Chapter 2	Principles of effective family caseflow management	26
Chapter 3	Principles of effective court leadership to implement and maintain effective family caseflow management	82
Chapter 4	Alternative calendaring approaches for family cases	95
Chapter 5	Special techniques to identify cases involving the same family and coordinate their processing	103
Chapter 6	Special techniques applicable to cases involving unrepresented litigants	115
Chapter 7	Domestic violence	126
Chapter 8	Child abuse	136
Chapter 9	Sources of additional resources	139
Chapter 10	Making the family assignment more Attractive	145
Chapter 11	Effective use of court data to manage family cases	149
Appendix A	Time Standards Governing Domestic Relations Cases	173

Overview

The processing of family law cases, in California as elsewhere, poses multiple challenges for judges, lawyers, court staff and the staff of executive branch agencies involved in these cases. In particular

- the family court has an impact on a very large segment of a community's population. One half of married persons and most unmarried persons with children will come into contact with the court over their life time. One must come to court to change one's marital status or establish or change custody of a child. It is not possible to resolve these issues outside the court system.
- the legal standards applicable to family law matters are very general, leaving the judge broad discretion to decide individual cases, which makes it difficult for the courts to articulate the sorts of decisional guidelines that exist in other areas of the law to make it possible for lawyers to advise their clients concerning the likely outcome of a controversy.
- the courts retain continuing jurisdiction over child custody, visitation, child support and other issues, producing in some cases repeated post judgment hearings revisiting matters decided earlier. The result is the possibility of court involvement in a case over an extended period, often as long as fifteen to eighteen years.
- although our procedural rules assume that all parties are represented by counsel, very high percentages of family case litigants today come to court without attorneys.
- significant numbers of family case litigants are not fluent in English.
- although the legal paradigms for family law are based on a divorce model designed for the dissolution of a traditional marriage, many families in today's family law court no longer fit this description. Family relationships are far more varied and complex, involving multiple marriages

and blended families, unmarried parents, same sex parents and even parents who have had no significant previous relationship.

- many family law matters require prompt court action to protect the physical safety of family members, to ensure that the needs of children are met (including the payment of timely and adequate child support), and to provide litigants with judgments ending unsatisfactory relationships so that they can get on with their lives.
- standard family law procedures place the responsibility for advancing family cases on the parties – a practice disfavored and abandoned in civil and criminal litigation and dysfunctional for self represented litigants who are not conversant with those requirements.
- domestic violence, “custody blackmail,” and widespread ignorance by self represented litigants of their rights to property and support produce opportunities for miscarriage of justice even though the parties appear to have reached an out of court settlement.
- some family court litigants, and their families, need social services including communications training and counseling, mental health and substance abuse treatment and money management education.
- family courts have traditionally had little in the way of staff support and treatment resources available to apply to these social service needs.
- family cases are characterized by high levels of emotional distress, creating stress for litigants, lawyers, judges and court staff.
- family law assignments are not favored by judges or court staff.

The recently released National Center for State Courts report *Trust and Confidence in the California Courts 2005* concluded that the public's confidence in California's courts has increased significantly since 1992. It is still true, however, that persons who have been involved in the courts other than as a juror hold a lower view of the courts than

persons who have not. Litigants who have been involved in family, juvenile and traffic court give California's courts the lowest satisfaction ratings.

The study found that citizens' views of the courts are heavily influenced by their perceptions of the courts' ability to deliver "procedural justice."¹ "Procedural justice" is a highly refined concept developed by Professor Tom Tyler of NYU in the course of research that has spanned several decades. It consists of four factors:

- Interpersonal respect – persons in the court are treated with dignity and respect and their rights are protected.
- Neutrality – judges are honest and impartial decision makers who base decisions on facts.
- Participation – parties have the opportunity to express their views to decision makers, directly or indirectly.
- Trustworthiness – judges are benevolent; they are motivated to treat you fairly, are sincerely concerned with the needs of the parties, and consider their sides of the story.

It also found that citizens rate their ability to obtain timely dispositions and the convenience of the hours of operation of the courts as among their highest unmet expectations.

The high cost of attorneys is seen as the highest barrier to accessing justice.

All of these findings are relevant to family case management – stressing the importance of improving the experience of persons involved in family court matters, ensuring that they perceive that they are treated fairly in every encounter with the court, and ensuring that their cases are resolved in a timely manner.

Research and experience have shown that the courts do not have to sacrifice fairness to achieve timely decisions. Nor do they need to sacrifice timeliness to achieve fair processes. The key is efficiency. Improving efficiency enables a court to improve both the fairness of its

¹ Attorneys, interestingly, are more concerned with the fairness of the outcomes of the cases than with the fairness of the process by which the outcomes are attained.

processes and the timeliness of its decisions.² Efficiency also improves the use of public resources – for the courts, the lawyers, court staff, public agencies involved in family cases, and the litigants. And it reduces the burden on others – particularly children but also witnesses and family members – who are involved in a family case.

This manual is focused on improving efficiency in family court processes. It is designed to familiarize judges and administrators with the underlying principles of effective caseload management as they apply to family cases and to provide examples of effective practices currently in use in California courts.

Efficient management of family cases requires a combination of know how, the will to succeed, and teamwork. Effective family caseload management involves:

- following a set of very basic practices that have been shown to be more efficient in resolving family cases,
- implementing procedures that serve the needs of all of the entities involved in the resolution of family cases,
- developing and maintaining courtwide commitment to meeting case management goals, and
- maintaining adequate family case data to determine the effectiveness of court operations.

This manual is designed to serve as a concise overview of the mountains of material written on this topic.³ It is intended specifically

² See Brian Ostrom and Roger Hanson, *Efficiency, Timeliness, and Quality: A New Perspective from Nine State Criminal Trial Courts* (Williamsburg, Va.: National Center for State Courts, 1999).

³ There are many studies in this field. Persons interested in reviewing the literature should begin with these pivotal works: Thomas Church, Alan Carlson, Jo-Lynne Lee, and Teresa Tan, *Justice Delayed: The Pace of Litigation in Urban Trial Courts* (Williamsburg, Va.: National Center for State Courts, 1978); Joan Jacoby, Charles Link, and Edward Ratledge, *Some Costs of Continuances – A Multi-Jurisdictional Study* (Washington, D.C.: U.S. Department of Justice, National Institute of Justice 1986); Barry Mahoney, Alexander Aikman, Pamela Casey, Victor Flango, Geoff Gallas, Thomas Henderson, Jeanne Ito, David Steelman, and Steven Weller, *Changing Times in Trial Courts: Caseload Management and Delay Reduction in Urban Trial Courts* (Williamsburg, Va.: National Center for State Courts, 1988); Dale Sipes and Mary Elsner Oram, *On Trial: The Length of Civil and Criminal Trials* (Williamsburg, Va.: National Center for State Courts, 1988); John Goerdt, Chris Lomvardias, and Geoff Gallas, *Reexamining the Pace of Litigation in 26 Urban Trial Courts* (Williamsburg, Va.: National Center for State Courts, 1989); and Brian Ostrom and Roger Hanson, *Efficiency, Timeliness, and Quality: A New Perspective from Nine State Criminal Trial Courts* (Williamsburg, Va.: National Center for State

for California judges and administrators to assist in assessing current case management processes and designing improvements.

There is no one right way for courts to organize themselves to manage family cases. Individual calendars (where all cases are assigned at the time of filing to one judge for all purposes), master calendars (where cases are managed centrally and assigned to judges for specific hearings and trials), and hybrid systems (for instance, assigning cases to judges for all preliminary events, but assigning cases for trial using a master calendar approach) all work well in some places and poorly in others. The key is not which calendaring system is used, but how well the system used is managed.

This same maxim applies throughout family case management: While the underlying principles are universal and unchanging, they can and must be applied differently in different courts in response to the different situations in which those courts find themselves.

Effectively managing family cases requires adherence to seven basic principles:

1. maintaining court control of case scheduling;
2. creating and maintaining expectations that events will occur when they are scheduled;
3. creating opportunities and incentives for early case resolution;
4. creating maximum predictability of court procedures and outcomes;
5. finding opportunities to improve efficiency;
6. handling different types of cases differently; and
7. setting case processing goals and using court data to monitor compliance with them.

Effective family caseload management requires commitment on the part of all judges and court staff to resolving family cases expeditiously as well as fairly. An approach that works in one court will fail in

Courts, 1999). The most recent, and comprehensive summary of research and practice is David C. Steelman, John A. Goerdt and James E. McMillan, *Caseload Management: The Heart of Court Management in the New Millennium* (Williamsburg, Va.: National Center for State Courts, 2004). The only study of divorce cases found that the same principles applicable to the effective management of other types of cases are equally applicable in family law. See John Goerdt, *Divorce Courts: Case Management Procedures, Case Characteristics, and the Pace of Litigation in 16 Urban Jurisdictions* (Williamsburg, Va.: National Center for State Courts 1992).

another court if the judges and staff are not determined to make it succeed. The court as a whole must buy in – not just one or two judges. Someone – a presiding judge or family division presiding judge – has to provide strong and persistent leadership to get an effective program in place. But all judges and staff must develop the habits and attitudes that keep the program operating successfully after the initial leader has left the scene.

A key to any successful family caseload management process is maintenance of accurate and complete data and daily use of that data to track the progress of all cases, to monitor the court's accomplishment of its case processing goals, and to identify weak links in its procedures.

The judges, chambers staff, and the clerk's office alone cannot ensure efficient disposition of family cases. Within the court there are multiple staff entities that need to work effectively with chambers and the clerk's office, among them family court services, family law facilitators, family law information centers, drug courts and other specialized calendars. Outside the court there are many more groups and entities whose cooperation is essential. They include the family law bar, legal services programs, the Department of Child Support Services, Child Protective Services and the Department of Social Services, Adult Protective Services, the Public Guardian, domestic violence shelters and advocates, probation departments, law enforcement, sheriff's departments and private process servers, supervised visitation programs, private providers of counseling, treatment and educational programs, and private custody evaluators.

All agencies share the same interest in efficient family case disposition. Courts willing to take a leadership role and to adopt approaches that accommodate the needs of the other family justice partners find that they are able to create and maintain highly effective cooperative efforts among all the entities – which produce improved results.

No court has all the resources that it needs. All courts strive to obtain more resources to better serve their communities. However, what distinguishes effective courts from ineffective courts is how they use the resources at their disposal.

This manual contains eleven chapters:

- | | |
|------------|---|
| Chapter 1 | A statistical snapshot of family case processing in California |
| Chapter 2 | Principles of effective family caseflow management |
| Chapter 3 | Principles of effective court leadership to implement and maintain effective family caseflow management |
| Chapter 4 | Alternative calendaring approaches for family cases |
| Chapter 5 | Special techniques to identify cases involving the same family and coordinate their processing |
| Chapter 6 | Special techniques applicable to cases involving unrepresented litigants |
| Chapter 7 | Domestic violence |
| Chapter 8 | Child abuse |
| Chapter 9 | Sources of additional resources |
| Chapter 10 | Making the family assignment more attractive |
| Chapter 11 | Effective use of court data to manage family cases |

This manual contains numerous descriptions of practices reported by California trial courts as effective in improving caseflow management for various types of family cases. They have not been designated as “effective practices” in any official manner. However the members of the Project Planning Team for the Developing Effective Practices in Family Caseflow Management Project consider them to be sound practices to which other courts can look for inspiration and example.

1

A snapshot of family case processing in California

This chapter includes available data that CFCC has been able to assemble describing family cases in California's Superior Courts and the parties involved in them.

Filings

In California superior courts, domestic-related filings (family law, juvenile dependency, and other civil petitions) increased by 7 percent in the 2001–2002 fiscal years over the previous year.⁴ Such filings made up 34 percent of the total number of civil cases filed that year.⁵ Add juvenile delinquency cases to the number, and cases involving families and children constituted 40 percent of the total number of civil cases filed in superior courts in California during the 2001–2002 year.⁶ Indeed, domestic cases are the fastest-growing type of civil case in the country.⁷ The Judicial Council's 2000 Annual Report states that cases involving families and children have increased by more than 36

⁴ Judicial Council of California, Administrative Office of the Courts, *2003 Court Statistics Report: Statewide Caseload Trends 1992-1993 through 2001-2002* (2003) p. vii.

⁵ *Ibid.*

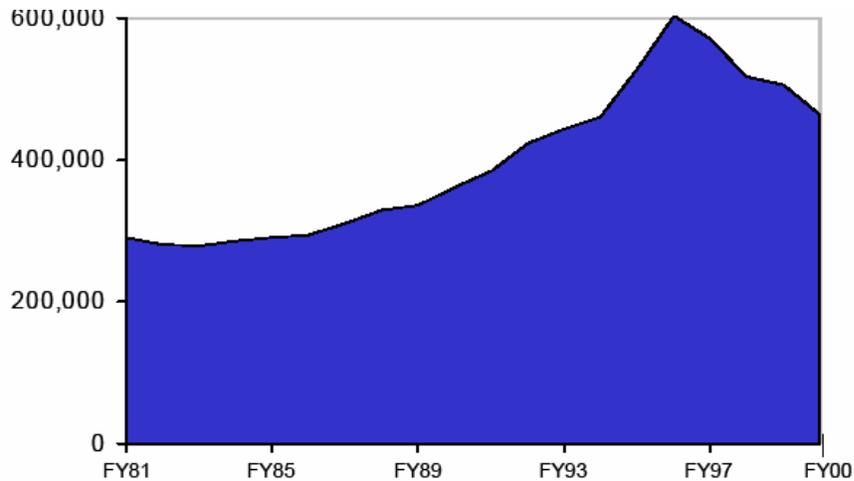
⁶ *Ibid.*

⁷ American Institutes for Research, *Unified Family Court Evaluation Literature Review* (Prepared for Center for Families, Children & the Courts, Judicial Council of California, Administrative Office of the Courts, November 4, 2002) p. 2.

percent during the past 10 years. Filings regarding child abuse or neglect have increased by 129 percent over the past 20 years.

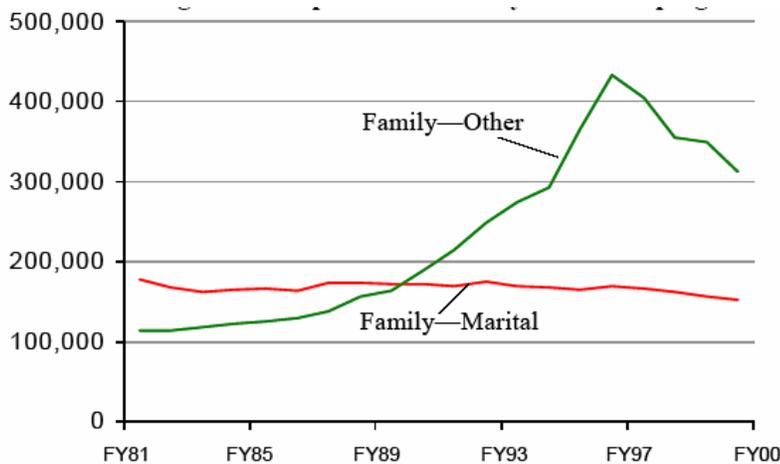
The chart below, taken from *Exploring the Work of the California Trial Courts: A 20-Year Retrospective*⁸ shows the growth of the family law workload between 1981 and 2000.

Total Family Law Filings (FY 81 through FY 00)



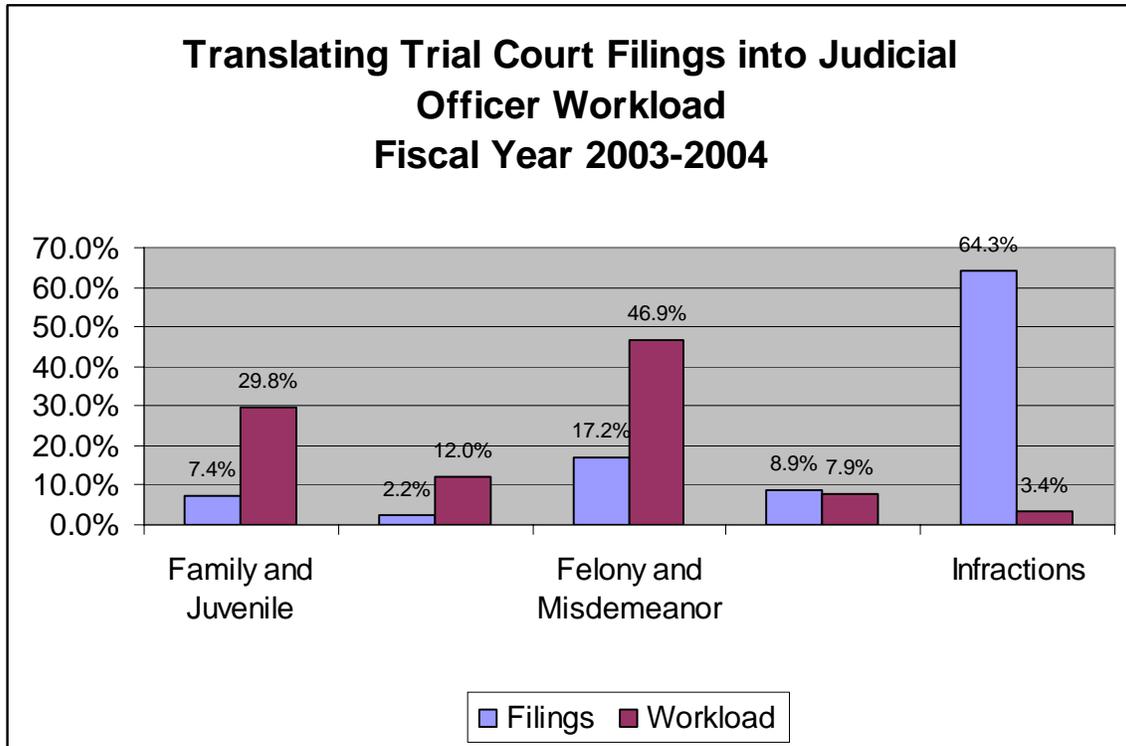
The twenty year retrospective shows, however, that marital filings remained flat or declined slightly over that period. It was other family law filings, such as child support and domestic violence cases that increased significantly.

Comparison of Family Law Groupings



⁸ Judicial Council of California, Administrative Office of the Courts, Center for Court Research, Innovations, and Planning (2003), figures 40 and 41 at pages 73 and 74.

The Judicial Branch annual report for 2005⁹, notes that family and juvenile cases constitute a much higher proportion of the workload of the trial courts than their proportion of the filings would suggest.



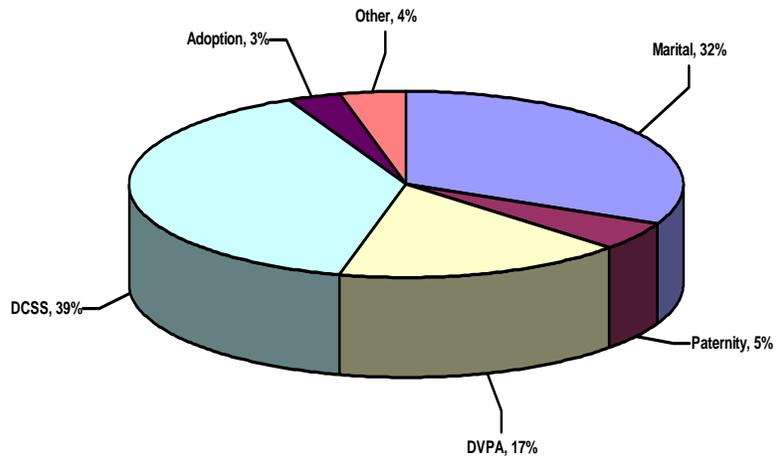
The composition of the family caseload

The chart on the next page shows the composition of the family caseload for the courts reporting family case data to JBSIS for calendar year 2004.

In the chart, the family caseload is divided into adoption, child support, domestic violence, marital, paternity and other cases.

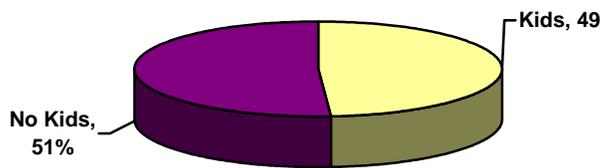
Dissolutions make up 94% of the marital cases, legal separations constitute 4%, and nullity cases make up the remaining 2%.

⁹ Judicial Council of California, Cornerstones of Democracy: California Courts Enter a New Era of Judicial Branch Independence, at page 27.



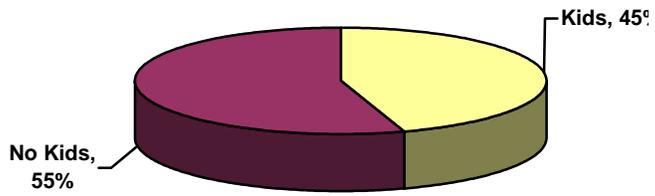
Between 70% and 75% of all family cases involve children.

DISSOLUTION



Half of the dissolution cases involve children; half do not.

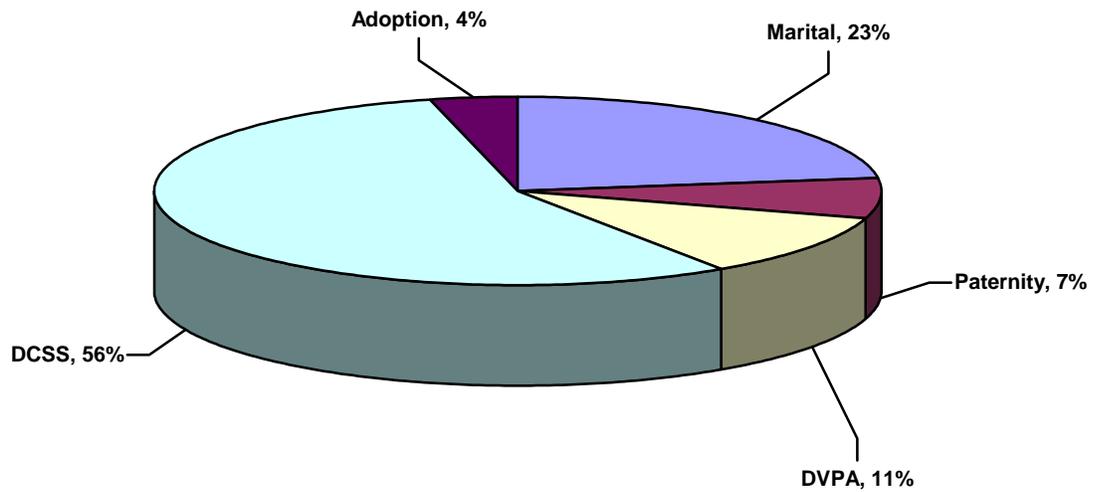
DVPA



The JBSIS data show that slightly less than half of domestic violence cases involve children.

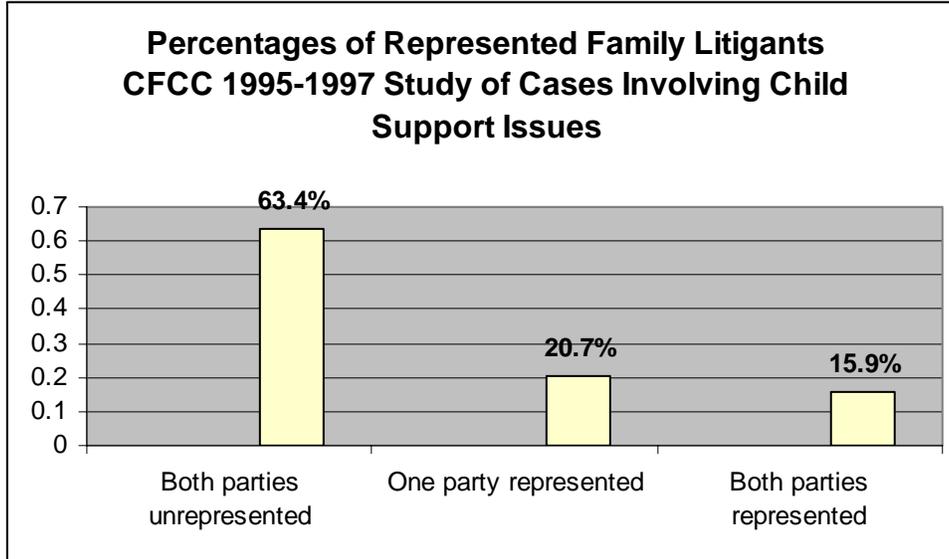
The majority of all cases involving children are child support cases.

"Kid" Cases

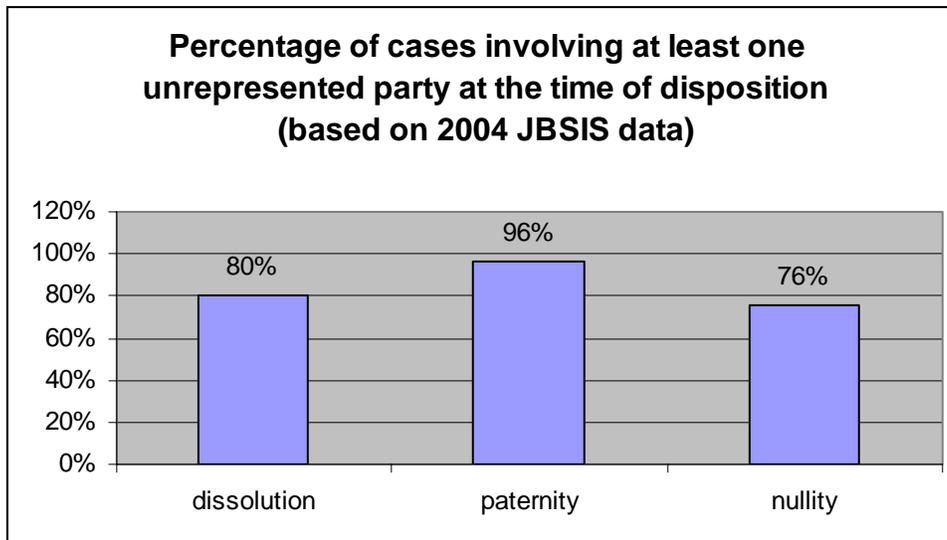


Percentage of cases involving unrepresented litigants

A CFCC case file review in 1995-1997 disclosed that 84% of all family cases where child support was at issue had at least one unrepresented litigant. A similar study in 1999 found that the number had increased to 89%. The 1995-1997 study showed:



JBSIS records show from 76% to 96% of cases at disposition involve at least one unrepresented party.



Initial versus repeat cases

It is important for the courts to know how many of their filings involve new cases, and how many involve the same cases returning to court for modification or enforcement of an earlier order.

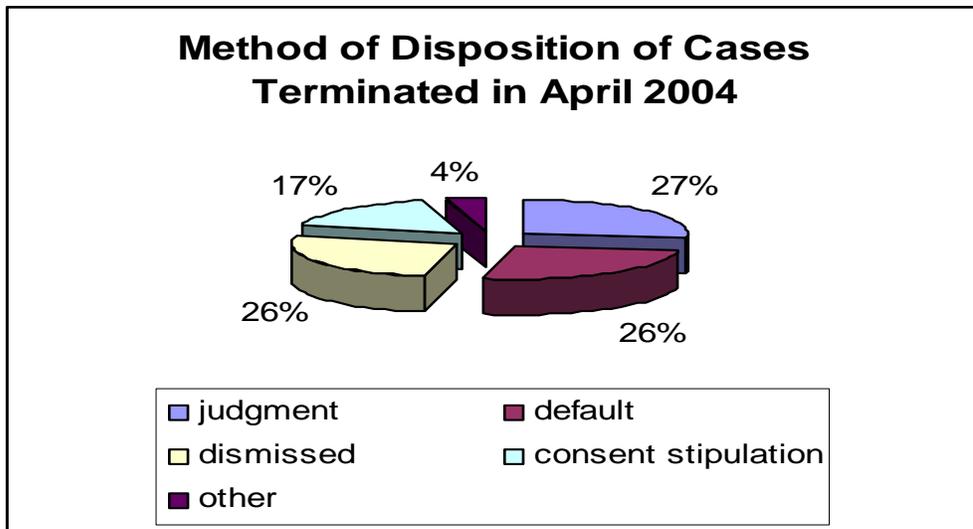
The only data we have on this issue comes from child custody mediations conducted by family court services in 2003. The data showed over 40% of the child custody disputes were repeat cases.

Percentage of first versus repeat mediation clients

First visit	Repeat				Unknown/don't know/missing
	Second visit	Third visit	Fourth visit	Fifth or more visit	
48%	19%	11%	6%	6%	9%
42%					

Method of disposition

While we know that very high percentages of family matters are resolved by default or stipulation of the parties, we do not have data on this issue from California. Data from Phoenix, Arizona shows the following breakdown:



If the Arizona data were reflective of California practice, default and stipulated cases would constitute over half of the dispositions.

This year, Riverside County reviewed the results of its Mandatory Dispute Resolution Conferences to determine the disposition of cases

scheduled for settlement by volunteer family law attorneys. The results showed that 63.2% of the cases where both parties showed up and participated were resolved. The full results were

**Dispositions from Mandatory Settlement Conferences
Riverside County 2005**

Disposition	Percentage of cases
Neither party showed up	14.9%
Only one party attended	16.6%
Continued	7.0%
Full Settlement	41.8%
Partial Settlement	3.9%
No Progress	15.8%

The CFCC study of cases in 1995-1997 involving child support issues showed the following pattern for dispositions:

**Dispositions in Child Custody Matters
1995 -1997**

	1995		1997	
	Case brought by DA	Other cases	Case brought by DA	Other cases
Default	74.7%	28.1%	68.2%	19.8%
Stipulation	21.0%	57.7%	22.7%	70.1%
Contested	4.3%	14.2%	9.1%	10.1%

Time to Disposition

JBSIS does not collect data on the time it takes to dispose of family cases. Data is available only from individual courts – some from case management reports and some as a result of special research studies.

In 2000 and 2001, Ventura County collected data on the percentage of family law cases disposed of within nine months:

Percentage of family cases disposed of within nine months in Ventura County

2000	2001
74%	62%

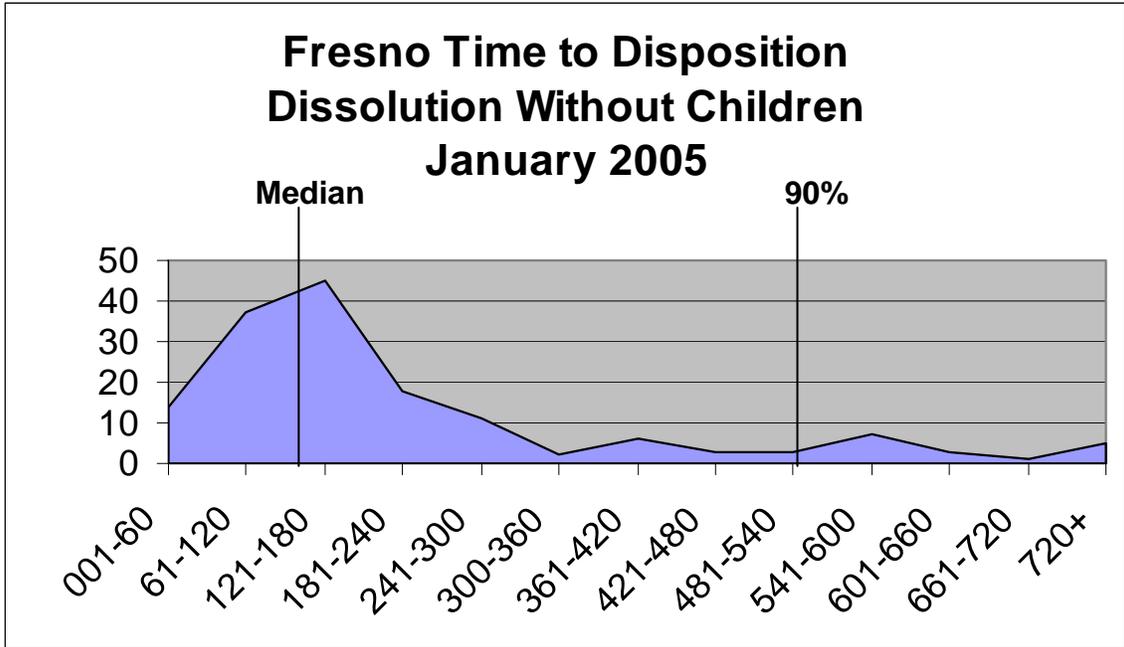
In 2003 and 2004, San Diego County conducted a study to determine the effectiveness of its Status Conference Initiative, where parties in dissolution, legal separation, nullity and paternity cases were brought to court 150 days after the filing of a petition. The study found the following:

Results of San Diego Status Conference Initiative Study
Dissolution, Legal Separation, Nullity and Paternity Cases
2003-2004

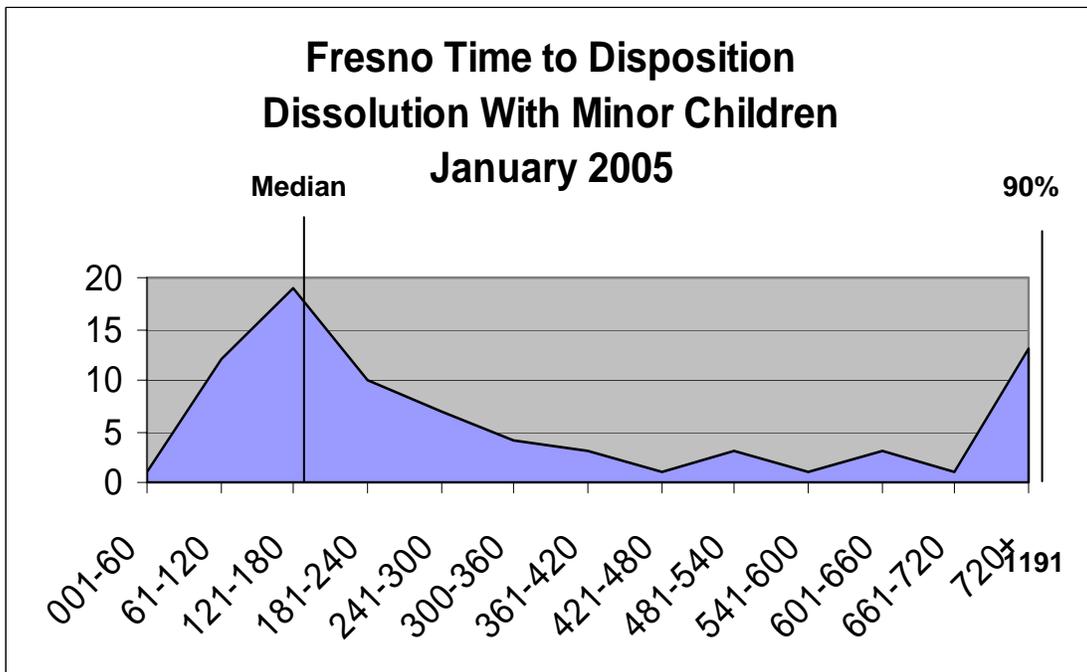
	Percentage of cases decided within 12 months				Percentage of cases decided within 14 months
	Cases in which at least one party was pro per	Cases in which both parties were pro per	Cases in which both parties were represented	All cases	All cases
Baseline cases (before Status Conference Initiative began)	66%	n/a	35%	62%	65%
Status Conference cases	88%	91%	58%	85%	85%

The Fresno Superior Court has the capability to report the time from filing to disposition for all closed family cases. The court provided Greacen Associates with a report of all family cases closed during the month of January 2005. We report here only the data related to dissolutions with and without children.

The table below – containing the data for closed dissolutions without children – shows that half of all such cases for that month were closed within 155 days (roughly five months). Three quarters of the cases were closed within 253 days (or eight and a half months). Ninety percent were closed within 548 days (about eighteen months). However, five cases took over two years and the oldest case took three years and three months to be resolved.



The dissolution cases with minor children took longer to resolve. It took seven months (compared to five months for dissolutions without children) to resolve half of the cases. It took twice as long – 493 days or sixteen and a half months – to resolve three quarters of the cases. And it took three years and three months (1,191 days) to resolve 90% of these cases. Thirteen of 78 cases took longer than two years. The longest case took 33 years to complete!



If this single month's data is representative of Fresno's overall case disposition data and if Fresno's data is representative of other California family courts, one could generalize by saying that the courts resolve roughly 80% of dissolutions without children and two thirds of dissolutions with children within one year of filing. Individual cases, however, can remain on the docket for seven to ten years or longer.

Demographic data on family court litigants

Data from a recent study in San Diego of parties in dissolution, legal separation, nullity and paternity cases brought into court for a status conference after the case was 150 days old showed the following characteristics. While the data for other California counties will undoubtedly differ on some or all of these dimensions, it is nonetheless interesting to note.

Primary language

English	77.5%
Spanish	18.6
Other	2.6
Unknown	1.3

Over 20% do not speak English as their primary language.

Age

Under 18	1.3%
Between 18 and 29	28.9
Between 30 and 39	34.1
Between 40 and 49	23.5
Between 50 and 59	9.8
60 and over	2.4

Almost 60% are between 30 and 50 years of age.

Ethnicity

White	38.7%
Hispanic	37.3
Black/African American	11.3
Asian/Pacific Islander	8.9
Other	2.3

Over 60% are persons of color.

Data from family court services mediation records show that parties who appear for custody mediation are very representative of California's population in terms of ethnicity. However, 80% of custody mediators identify themselves as non-Hispanic Whites.

That data shows that one quarter of custody mediation clients are foreign born. Projections of the aging of California's population show that within 20 years, Hispanics will be the predominant client group for California's custody mediators.

Education

Middle school or less	7.9%
Some high school	17.7
Graduated HS/GED	21.8
Some college	31.7
College degree or higher	18.2
Unknown	2.7

One quarter have not graduated from high school. One fifth have graduated from college.

Monthly income

\$0 -\$500	14.1%
\$501-\$1000	15.8
\$1000-\$1500	18.3
\$1501-\$2000	13.8
\$2001-\$2500	11.4
\$2501-\$3000	7.1
\$3000 and over	18.9
Unknown	.5

61% make \$2000 per month or less.

Marital status of persons with custody disputes

The family court services mediation data shows

- 35% were never married
- 28% were divorced
- 34% were still legally married

One third were never married.

Domestic violence

For parents involved in custody mediation

Mothers reported threats of violence in 43% of cases
Fathers reported such threats in 23% of cases
At least one parent reported that children witnessed violence in 38% of cases

48% of couples in custody mediation report threats of violence.

Issues identified by custody mediators

Family court services mediation data shows that mediators identified the problems in the following percentages of cases they handled:

- Mental health problem 13%
- Domestic violence 28
- Child abduction 5
- Child neglect 11
- Physical child abuse 8
- Sexual child abuse 3
- Drug abuse 17
- Alcohol abuse 19

36% of custody mediation cases involved drug or alcohol abuse.

Nature of other pending cases related to a newly filed family case

The court in San Francisco checked for other pending cases in the court for 165 cases filed in June 2005. They found a total of 132 other pending cases involving members of the same family. Those cases broke down as follows:

Type of Related Case

Case Type	Percentage of Total Related Cases
Criminal	38%
Child Support	30%
Domestic Violence	13%
Dissolution	9%
Probate	3%
Dependency	3%
Delinquency	2%
Civil Harassment Restraining Orders	2%

For family cases, the most frequently occurring related case is a criminal case.

How many cases remain uncompleted and why

A recent review of case files from the 1980s in Placer County, conducted for the purpose of preparing case files for archiving, disclosed that one third of the cases do not have a final decree. The uncompleted cases involve both those with and without lawyers.

In the San Diego Superior Court Status Conference Initiative, all parties in family cases were ordered to a status conference 150 days after case filing. The parties in cases in which both parties were self represented met first with the family law facilitator. The facilitators asked why they had not taken steps to complete their cases. This is how they answered:

Didn't know I had anything else to do	21%
Couldn't find other party to serve	7
Couldn't afford a lawyer, didn't know how to get free help	8
Clerk rejected my papers	4
Thought I had to wait 6 mo. to file rest of papers	4
Trying to make some agreements with the other party	16
Tried or trying to reconcile with other party	8
I was waiting to hear something from the court	17
Other	15

8% are trying to reconcile.
Over 60% simply do not know how to proceed to get their cases completed.

2

Principles of effective family caseflow management

There are seven fundamental principles that a court must follow to manage family cases effectively. Here are the principles and effective practices for implementing each of them.

1. Maintaining court control of case scheduling

The cornerstone for effective caseflow management – the core concept on which all other caseflow management principles depend – is court control of the scheduling of events in every case. As long as the lawyers and litigants determine the pace of family cases, the courts cannot manage their workload or ensure that cases move efficiently through the process. All of California's trial courts exercise this authority in criminal and general civil litigation.¹⁰ Some, but not all, California courts take control of the scheduling of family cases. Why is there this ambivalence when it comes to court control of family cases?

Two arguments are made against court control of family cases:

¹⁰ In California, all caseflow management practices in actions for dissolution of marriage must be compatible with Family Code Section 2450 et. seq. Family Code Section 2450(b) allows the court on the motion of a party, or on its own motion, to hold a preliminary status conference for the purpose of determining whether a case management plan shall be undertaken; however, no case management plan shall be ordered in a particular case absent the stipulation of the parties, and the case management plan may be terminated at any time upon stipulation of the parties or order of the court. Family Code Section 2451 sets forth particular procedures that may be included in a case management plan.

- Family disputes should resolved according to the “private ordering” of the parties. Cases involving intimate family matters should proceed at a pace set by the parties and not by the government. The government has no interest in how these matters are resolved, or, if it does, its interest must be subordinated to that of the individuals involved when the dispute touches on intimate personal matters.
- The courts should never take any action that could be construed by the parties as pressuring them to follow through on a divorce filing. Parties may be ambivalent about a legal separation or marriage dissolution. They may choose to reconcile their relationship and not proceed with a petition filed in court. If the courts schedule hearings or other proceedings to move the case forward, the parties might interpret the court's actions as signaling that they are obligated to follow through with their filed petition.

There are stronger arguments favoring court control of family cases. First, in the great majority of family cases, the government has a very strong interest in having them resolved:

- Domestic violence matters are governed by statute and must be handled according to explicit requirements. The personal safety of family members turns on the prompt resolution of these cases.
- Paternity and child support cases, whether brought by the state or by an individual, determine whether children will have the resources needed for their basic support. Of course this is not true for cases in which a child is already supported from public resources; however, the state has a strong interest in resolution of those cases as well.
- Adoption cases require expeditious resolution.

The majority of legal separation and dissolution cases are decided by default or consent. There is no reason for the court not to move these cases forward on its own initiative.

Parties seeking modification of custody, visitation and child support orders are clearly seeking court action. There is no reason to defer to them in deciding how to move those matters to a conclusion.

The “private ordering” argument, therefore, applies at most to a small portion of the legal separation, dissolution and nullity cases. And there are strong reasons not to abandon court control in those cases as well:

- Allowing these cases to languish does not necessarily contribute to the most satisfactory resolution. Left on their own, with or without the guidance of counsel, parties in separation and dissolution cases may escalate their conflict. Each interaction between the parties may lead to resolution of some matter. But it may also lead to higher levels of conflict, with parties perceiving ever more reasons for distrusting each other.
- Children in a dissolving marriage benefit from prompt decisions about custody, visitation, and other issues associated with their daily lives. While adults may choose to draw out the resolution of disputes arising from the ending of their relationship, delay and uncertainty have a negative impact on children.
- High conflict divorces need judicial involvement to restrain the tendencies of the parties and their attorneys to protract and unnecessarily complicate their cases. The classic role of the judge as case manager is, through informal as well as formal mechanisms, to lead the parties to identify the areas of agreement and disagreement within a dispute and to establish an orderly process for resolving the matters in dispute. This role is particularly needed in the most highly charged emotional family law cases. The judge may help the parties to set a decision-making schedule that provides the time needed by one or both parties for the grieving process to run its course, in cases that require such an interval.
- Court control of the pace of litigation does not mean that all cases are pushed to a rapid conclusion. If the parties wish time to pursue counseling, mediation, or some other course of dispute resolution, the judge can set a schedule

appropriately, perhaps even postponing the next hearing for six to nine months.

Finally, the view that parties that do not take steps to move their cases to completion are pursuing reconciliation appears, based on data from a recent study in San Diego, to apply to only 8% of self represented litigants. Another 16% are attempting to reach agreement with the other party on some terms of the divorce, but not trying to reconcile. At least 60% of self represented litigants are merely confused about the process.

A number of California trial courts take active control of all or part of their family caseloads. Judicial control makes the best use of scarce judicial and other court resources and saves the time and money of the litigants and their attorneys.

In Alameda County, the court sets a preliminary status conference in every dissolution, annulment, legal separation, or Uniform Parentage Act case in which a response or answer is filed or the respondent has appeared and the preliminary declaration or disclosure and the At Issue Memorandum have been filed. *For more information, contact Tessie Maglasang at Tmaglasang@alameda.courts.ca.gov.*

In Calaveras County, the court, upon filing of the petition, sets every family case for a case management hearing 120 days after filing. The family law and motion judge, court staff, a party or counsel may also request a case management conference. *For more information, contact Grant Barrett at gbarrett@calaveras.courts.ca.gov.*

In Los Angeles County, whenever the court sets a hearing on an order to show cause and both parties appear, the case becomes part of the court's case management system and the court monitors the progress of the case thereafter. *For more information, contact Mike Braverman, Administrator, at mbraverm@lasuperiorcourt.org.*

In San Diego County, the court sets a case classification conference 150 days after filing of dissolution, legal separation, nullity and paternity cases. Every case is assigned to a procedural "track" at that time. The court ensures that cases adhere to the assigned schedule. *For more information, contact Shawn Gleeson at shawn.gleeson@sdcourt.ca.gov.*

In San Mateo County, the court sets a status conference 120 days after the filing of a response. The court requires each party to file a written statement prior to the conference. The bench officer assigned to the case conducts the conference. *For more information, contact Bill Lowell at wlowell@sanmateocourt.org.*

In Santa Clara County, the court sets a case management conference after a response is filed in a family law or parentage action. At the conference, the court decides how issues relating to custody, property and support will be resolved. The court continues the case from time to time on the case management conference calendar until the case is set for trial or otherwise resolved. *For more information, contact Judge Patrick E. Tondreau at ptondreau@scscourt.org.*

In Stanislaus County, the court sets a status conference 5 to 7 months after the filing of a petition in all dissolution and paternity cases. *For more information, contact Michael Tozzi at Michael.tozzi@stanct.org.*

In Tulare County, the court sets a judicially supervised case management conference 60 days after the filing of a response. Many cases are resolved in their entirety. *For more information, contact Commissioner Brett R. Alldredge at balldredge@tulare.courts.ca.gov.*

In Ventura County, the court's Checkpoint Program involves a case review conference conducted by a case management attorney sitting as a pro tempore judge 120 days after filing. The parties file a family law status report. The pro tempore judge reviews the status report and ascertains the progress of the case. *For more information, contact Jeanne Flaherty at Jeanne.Flaherty@ventura.courts.ca.gov.*

➤ **Create a realistic schedule for each case**

At the case management, case classification, case review or status conference, the judge should create a "plan" for the case that takes into account the unique characteristics of the case, if any. What steps are required to resolve this case and what schedule is appropriate?

The review includes the status of the case – whether the papers filed are complete, whether service has been affected, and whether the requisite disclosures have been made. The judge or court staff should determine the existence of other pending cases involving members of the same family and decide what sort of coordination among them is appropriate. (See Chapter 5 for a more complete discussion of these issues.) The plan should include any mandatory mediation of custody and visitation issues, alternative dispute resolution processes for resolving support and property issues, provisions for discovery, referrals to services provided by the court or by other community resources, and other processes appropriate to the case.

Rarely does it make sense to schedule the actual date(s) for a full trial at the initial hearing in the case. Five percent or fewer of all family cases proceed to trial. It unnecessarily clogs both judicial and lawyer calendars with trial dates most of which will never happen. Trial scheduling is often done at a pretrial conference. It may be worthwhile to forecast at an early juncture in the case the month during which trial will take place in order to give the parties a sense of the pace at which the judge expects the case to proceed.

It is important that a court schedule a trial so that it will be completed in a "single sitting" even though that sitting stretches over multiple days. This issue is discussed in more detail in Section 2 below.

The judge should ensure that every event scheduled will be meaningful for all parties, including the court. To the extent possible, the judge should combine multiple matters for resolution at a single appearance.

Any person interested in a case should be able to find the date of the next scheduled event easily – by looking on the court website, accessing the court database, or calling the clerk’s office.

In San Diego County, the court assigns a case to a standard track. (1) A conventional case is ready to proceed to judgment without delay, usually involving unrepresented litigants. The case is referred to the family law facilitator for review and appropriate action. (2) A diverted case is referred for alternative dispute resolution and a further hearing is set 12 months from the date the court receives the ADR stipulation. (3) A managed case is one for which the court establishes an individualized schedule. *For more information, contact Frances Harrison at frances.harrison@sdcourt.ca.gov.*

In Santa Clara County, the court schedules custody and property issues according to separate tracks. It schedules orientation and mediation for custody issues and a settlement officer conference, early neutral evaluation (when both parties are self represented), or some other process for resolution of property and support issues. If the case is ready for trial, the court will set a trial date. *For more information, contact Judge Patrick E. Tondreau at ptondreau@scscourt.org.*

➤ **Confirm the date of the next event at the close of any hearing**

At the close of every court hearing or event, the court should remind the parties of the date set for the next one, reaffirming the schedule and reasserting the court’s control over it. If the schedule has become unrealistic, this is the opportunity for one of the parties to bring to the court’s attention the reason compelling a change.

When a case involves one or more self represented litigants, the judge should also ensure that they understand the next step in the court process and what specifically they are required to do next.

In El Dorado, Humboldt, Marin, Orange, Riverside, Sacramento, and San Francisco Counties, the court automatically schedules a court return date following mediation so that family cases do not “slip between the cracks.” *For more information, in El Dorado County, contact Cyndi Ruelas at cruelas@eldoradocourt.org, in Humboldt contact Jay Gerstein at jgerstein@humboldtcourt.ca.gov, in Marin contact Cheri Brannon at Cheri_brannon@marincourt.org, in Orange contact Cathy Harmon, Family Court Services (FCS) at charmon@occourts.org, in Riverside contact Hiram Rivera-Toro at Hiram.Rivera-Toro@riverside.courts.ca.gov, in Sacramento contact Julie Setzer at setzerj@saccourt.com, and in San Francisco contact Claire Williams at cwilliams@sftc.org.*

2. Creating and maintaining expectations that events will occur when they are scheduled

Effective case management focuses on influencing not only the behavior of the judges and court staff, but the behavior of the attorneys and other family justice system participants as well. The court cannot succeed in making the best use of its resources unless the family law bar and other agencies also adopt a disciplined approach to the processing of family law cases. But experience has shown that the court can change the culture of local law practice. When lawyers have an expectation that matters will occur when they are scheduled, they subpoena witnesses, they prepare for the hearing or trial, they make sure that witness are present and prepared, and they assemble needed documents. When the matter is called, they are ready to proceed. When lawyers do not have that expectation – when cases are frequently continued at the last minute or when judges frequently fail to reach all of the matters set on a calendar – the lawyers will perceive that their case may not go forward, they will not invest the resources of their client in preparing, and they will not bring or subpoena witnesses. They will be reluctant to invest time and energy – and the time and energy of their clients and witnesses – in an event that may or may not proceed as scheduled. Not being prepared, the lawyer will call opposing counsel and obtain an

agreement to stipulate to a continuance. If a continuance is not granted and the matter is called, the lawyer will tell the court that s/he is not prepared to proceed and the matter will have to be rescheduled.

Delay breeds delay. Efficiency breeds efficiency. The court must set the example and work to establish a “disciplined culture” within the family law community that events will take place when they are scheduled.

➤ **Establish fixed and firm hearing and trial dates**

The lawyers, self represented litigants and court staff should all know that a case set for hearing or trial on a particular date will commence on that date.

To achieve firm, fixed hearing and trial dates, courts must ensure that dates are realistic from the standpoints of both the court and the litigants.

A court’s calendaring process for trials involves predicting how many cases scheduled for trial will actually settle before the trial date. Even when a court postpones trial date scheduling until late in the process, a large percentage of cases will nevertheless settle on or near the day of trial. Some criminal and civil courts impose sanctions for last minute settlements such as party payment of the costs of empanelling a jury. That particular sanction is not available, but the court might consider some other sanction if a case settles later than a week before trial (or some other deadline that enables the court to reschedule the courtroom time vacated).

Predicting the time that will be required for trial if the case proceeds to trial begins with the lawyers’ estimates, to which the judge applies her or his own experience – of the reliability of that lawyer(s)’s past estimates and of the complexity of the matter to be tried. By the time of trial scheduling, the judge will be sufficiently familiar with the case to be able to make a highly educated guess concerning the length of time that will be required. Predicting trial length is made more difficult by the presence of a self represented litigant. When the case involves two self represented litigants, the court may be able to institute a process that reduces the time required to receive testimony by dispensing with the traditional question and answer format.

Trials should be held on consecutive days absent extraordinary circumstances. Completing a trial in a “single sitting,” even though it requires more than a single day, saves the time of the judge, lawyers, parties, representatives of court and outside staff units, and witnesses. Having to conduct a trial in multiple segments imposes extra burdens of preparation on counsel; judges find it hard to remember testimony from an earlier segment(s). It will often be possible for a judge to schedule short matters before and after the regular trial day in order to handle time critical matters in other cases on the judge’s pending case list.

The court does not overset or underset the calendar. Oversetting undermines the objective of firm, fixed hearing and trial dates. Undersetting means that courtrooms will be idle. An appropriate scheduling process accurately predicts – based on past experience – the percentage of cases that will settle before trial and the time that will be required for the matters calendared. We will discuss below ways that courts can encourage earlier settlements and improve their ability to predict the actual number of trials. The ultimate court calendar should include the right number of cases to fully occupy the time of the judges in all available courtrooms.

In Humboldt County, the court uses a master calendar process. It holds an *informal* calendar call for juvenile cases on the Thursday before the formal Monday juvenile calendar call. This informal process allows the court to confirm juvenile trials for the following week and to assign remaining calendar time to family case trials. Previously, juvenile cases often pre-empted scheduled family trials at the last minute. *For more information, contact Jay Gerstein at jgerstein@humboldtcourt.ca.gov.*

On the rare days that every scheduled case proceeds to trial, the court should have a mechanism for transferring judges to cover all of them and, if that is not possible, for deciding which cases take priority. Because it is extraordinarily unlikely that all cases for all judges on a court will proceed to trial on the same day, this is almost always possible. A master calendar system eases this problem. Where judges maintain individual calendars, they can develop a mechanism to help each other in these situations.

In Butte County, the court uses a “hand off” judge to handle short cause matters twice a week when the court holds its private counsel and pro per order to show cause calendars. *For more information, contact Andrea Nelson, Deputy Court Executive Officer at anelson@buttecourt.ca.gov.*

In San Diego County, each case is assigned to a judge for all purposes. Only the assigned judge may hear ex parte relief matters, orders to show cause, noticed motions, case classification conferences, short cause trials, and modifications after entry of judgment. Long cause trials may be heard by any available family law judge. *For more information, contact Judge William Howatt at william.howatt@sdcourt.ca.gov.*

The process for scheduling law and motion calendars is more difficult. A typical motion or order to show cause and responsive declaration often do not contain the detailed information concerning the evidence that will be offered during a hearing to enable the degree of precision in scheduling hearings that judges can usually attain in scheduling trials. These calendars often contain widely differing types of matters – from purely legal, but complex, jurisdictional motions to motions for changes in custody or visitation to motions concerning discovery disputes. Typically, a court will set an arbitrary number of matters for hearing during a morning or afternoon calendar. In practice, the court may find that the matters set require much more time than the morning provides – requiring the court to continue a number of cases to a later date and wasting the time of lawyers, parties and witnesses who came to court expecting the matter to be heard. Or it may find that the matters do not fully occupy the hearing time available.

Courts can improve this process by taking these steps:

1. Creating separate calendars for particular types of motions and OSCs. Scheduling like matters on the same calendar increases the predictability of the time required and gives the court an opportunity to set an early example for the lawyers and parties how subsequent cases will be heard.

In Sonoma County, the court has a separate calendar for jurisdictional and UCCJEA motions. *For more information contact Hon. Louise Bayles-Fightmaster at lbayles@sonomacourt.org.*

2. Developing sufficient experience to be able to reliably estimate the average time required for a typical hearing of a particular type. When the court segregates its motions and OSCs by the type of matter to be addressed, it can predict the average time such matters will take. The judge must develop the ability, upon reading a motion or OSC, to know whether it warrants an evidentiary hearing and, if so, how long that hearing should take. This process is often referred to as "triaging" the cases. The matters will be scheduled in accordance with the judge's educated guess. Some will in fact take more time, and some less, but on average the calendar will work.

In Santa Clara County, domestic violence cases involving children are set separately from those without children. The cases with children take longer because more services are required. *For more information, contact Judge Mary Ann Grilli at mgrilli@scscourt.org.*

3. Obtaining hearing time estimates from lawyers filing motions and OSCs. A number of courts have been successful in getting their local bars to be as effective in predicting the time required for a hearing as in predicting the time required for a trial. The process requires some time to take effect, and requires the judge to be willing to reduce the time required based on her or his past experience with the lawyers involved. But it can significantly reduce the uncertainty and chaos of a law and motion calendar.

In Butte County, the court requires lawyers to provide time estimates for hearings. If counsel go over their estimated times, the court may grant additional time if it is available on the calendar, or require the lawyers to request a resetting of the matter. *For more information, contact Andrea Nelson at anelson@buttecourt.ca.gov.*

In Riverside County, at least one judge follows this practice: If counsel are running past the time allotted, the judge gives them the option of dropping to the end of the calendar for additional time if it is available. Most frequently, they decline the offer and present the matter for decision as it has been argued. *For more information, contact Honorable Elisabeth Sichel at E.Sichel@riverside.ca.us.*

In San Diego County, the court sets short cause matters for 20 minutes. The court requires estimates from counsel for long cause matters. *For more information, contact Frances Harrison at Frances.Harrison@SDCourt.CA.Gov.*

4. Adopting other mechanisms to provide the court with the flexibility needed to respond to cases requiring more time for hearing. The judge may handle all quickly resolved matters first, holding evidentiary hearings to the end of the calendar. Judges may work as “buddies” or teams. For example, if there are four family judges in a court, three may hold full law and motion calendars while the other holds her or his time available to hear more complex matters referred by the other three.

Some courts may grant or deny the relief sought in a motion or OSC solely on the basis of the application and responses and any accompanying memorandum of points and authorities. This process, while permissible under the California Rules of Court and arguably efficient, is usually inappropriate when it deprives the parties – particularly those proceeding without lawyers – the opportunity to present evidence or argument on these pivotal decisions. It is inconsistent with the finding of the Trust and Confidence Study concerning the importance of the parties’ perception of the fairness of court processes, including their ability to participate in them.

➤ **Continuances should be rarely sought and even more rarely granted**

One of the major complaints voiced by Californians in the recent Trust and Confidence Study is court continuances. Continuances sought for the convenience of counsel do not always convenience the parties or the court. Some judges take the position that “Every hearing or trial

that is continued is one less matter that I have to decide today. If the lawyers don't want to come to court to have it heard, I certainly don't care." As noted above, this approach creates a culture encouraging delay and procrastination and undermines the expectation that events will occur when scheduled. The opposite culture – one that encourages orderly planning and predictability – is necessary for efficient use of court, lawyer, other agency staff, and party time.

Because they need to ensure that trial and hearing dates are fixed and firm, judges should be extremely reluctant to grant continuances, and never grant them simply for the convenience of counsel. That both parties to a case stipulate to a continuance should never be adequate grounds for granting a postponement. The judge should make it clear to counsel and to self represented litigants that the court intends to maintain scheduled trial and hearing dates, absent reasons that convince the judge that the "ends of justice" require rescheduling an event.

Because the objective of effective family caseflow management is attainment of a culture of disciplined case management involving the court, the local bar, other governmental agencies and self represented litigants, it is necessary for the family bench as a whole to adopt and follow a single continuance policy. When individual judges have widely varying policies – from strict to liberal – the bar, agencies and litigants get no consistent message about how family litigation will be handled in the county.

In Riverside and Sacramento Counties, the courts have adopted strict standards for continuances of established trial dates in family cases. *For more information, in Riverside contact Judge Michele Levine at Michele.Levine@riverside.courts.ca.gov, and in Sacramento contact Judge Peter J. McBrien at mcbriep@saccourt.com.*

In Sacramento County, the court's local rules provide for sanctions against attorneys who do not request a continuance by 3:30 on the afternoon prior to a scheduled trial or hearing. The sanction imposed may be as much as \$500.00. *For more information, contact Judge Peter J. McBrien at mcbriep@saccourt.com.*

One legitimate ground for a motion for continuance is the possibility that parties will reconcile. Family Code Section 2334(a) provides that the court “shall” continue a proceeding for 30 days “if it appears that there is a reasonable possibility of reconciliation.”

Another appropriate ground for rescheduling a hearing is that one or more of the counsel or parties has a conflicting previous obligation at the date and time set by the court for the hearing. Some courts find that they ultimately save time by calling counsel before scheduling a hearing so that hearing dates are firm when they are first set.

If the attorneys base their request for a continuance on the prospect of imminent settlement of the case, the court should require counsel to file the settlement agreement prior to the time of the scheduled hearing or trial or appear at the time originally set for the hearing and present the terms of the settlement on the record.

Some lawyers file motions or OSCs for the purpose of establishing an effective date (such as the retroactivity date for support) but do not desire to litigate the motion or OSC until the parties have had an opportunity to reach a voluntary settlement of the matter. In this event, the court can adopt a local rule or practice allowing such motions but requiring the moving party to request explicitly that the court not set the matter for hearing until a fixed time period (for instance six months) has passed.

In Sacramento County, the court has worked out such a practice with the local family law bar. *For more information, contact Honorable Jerilyn Borack at borackj@saccourt.com.*

➤ **Set an expectation that lawyers and other family justice officials are present and prepared**

To a very great extent, the performance of lawyers reflects the expectations of the judges. If judges allow lawyers to appear late for hearings and trials, or to come to court obviously unprepared, without reprimand, they are condoning such behavior. The same is true for the court’s staff, including Family Court Services.

Effective family caseload management is principally about the judges' establishing expectations and holding themselves and others to them. These expectations extend to all behaviors that affect the court's efficiency.

The same principles apply to the performance of self represented litigants. These matters are discussed further in Chapter 6.

3. Creating opportunities and incentives for early case resolution

A very small percentage of family matters in California are resolved by trial. Most are resolved by default or agreement of the parties. One of the most powerful means of expediting family cases is to motivate the lawyers and parties to reach agreements sooner rather than later – saving the time of the lawyers and the time of the court, providing stability and certainty for children and helping the parties to move forward with their lives.

➤ Create incentives and opportunities for early resolution of family cases

Surprisingly, the most significant incentive a court can provide to the parties is the prospect of completing their case on the day they first appear in court, obviating the need for further appearances and the associated absences from work and costly child care arrangements and transportation to and from the courthouse.

In Humboldt County, the family law judge has pro per day on Friday morning. The court is heavily staffed with the family law facilitator, two case managers, a paralegal, and a mediator. The court triages the cases by having family court services meet with parties in conference rooms while support staff prepare written documentation of agreements reached and the judge continues to call cases and sort issues. The objective is to complete cases on the spot, or to order interim solutions until a final hearing can be held. *For more information, contact Jay Gerstein at jgerstein@humboldtcourt.ca.gov.*

In Orange County, twice a month the court holds a special calendar for cases where both sides are self represented that are set for trial, order to show cause, or other hearing. Dedicated resources are present: a family law commissioner, Family Court Services mediator and investigator, volunteer interpreters from the local university interpreter certification program, volunteer private attorneys, an attorney and three law students from the local law school clinic, and clerk's office staff. The objective is for the parties to leave the court with a judgment in hand. *For more information, contact Amy Silva at asilva@occourts.org.*

In Butte County, the Voluntary-In Court Program (VIP) provides an early co-parenting resolution-focused intervention when parents meet briefly with the mediator on the morning of their order to show cause hearing to work out a temporary parenting plan until a full mediation and court hearing can take place at a later time. *For more information, contact Vahan Hovsepian, Director Family Court Services, at vhovsepian@buttecourt.ca.gov.*

In the program in Sonoma County, the parties meet first with self help program staff who review the cases, attempt to settle the entire case, including property, custody, and support issues, and provide the judge with a list of issues resolved and unresolved. The judge then gives the parties a "road map" of what needs to be done. Two volunteer attorneys meet with parties with complex cases and present the list of issues orally to the court. Other service providers are available by email for referrals and for input upon request. This process takes place within the "same day" approach used by other courts. *For more information, contact Kathy Petit at kpetit@sonomacourt.org.*

The court in Fresno County provides an "at-court mediator" in the courthouse who is able to conduct mediation when the court requests "emergency mandatory" mediation of child custody and visitation matters. *For more information, contact Lou Dawson at Ldawson@fresno.courts.ca.gov.*

In Orange County, the court has developed specialized “expedited process” forms for paternity, dissolution/legal separation without children and dissolution/legal separation with children. The forms serve as the first few pages of the default judgment. The court guarantees one week processing time if these forms are used. *For more information, Amy Silva contact at asilva@occourts.org.*

In Kern County, the Department of Child Support Services holds “same day” settlement conferences conducted in the courthouse to resolve child support cases on the day they are scheduled for court hearings. The court holds hearings on those cases that do not settle. DCSS conducts a similar program in Riverside County; the court only hears 8 of every 100 child support cases filed. *For more information, contact Marissa Simmer at Marissa.Simmer@kern.courts.ca.gov.*

Many California courts offer sophisticated settlement facilitation to the parties in family cases. A great many judges require the parties to participate in a settlement conference before they will set a date for trial of the case.

In Kern, Orange, Santa Clara, Stanislaus, Ventura, and Yolo Counties, the courts provide supplemental funding to allow the family law facilitator to meet with self represented litigants to settle cases. The family law facilitator prepares forms, including Income and Expense Declarations, Property Declarations, Support Calculations, and Settlement Conference Statements, depending upon the particular court. *For more information, in Kern contact Christina Rodriguez at Christina.Rodriguez@kern.courts.ca.gov, in Orange contact Lorraine Torres at ltorres@occourts.org, in Santa Clara contact Fariba Soroosh at fsoroosh@sct.co.santa-clara.ca.us, in Stanislaus contact Michael Tozzi at Michael.tozzi@stanct.org, in Ventura contact Joann Johnson at Joann.Johnson@ventura.courts.ca.gov, and in Yolo contact Peter Sapunor at psapunor@yolocourts-ca.gov.*

In San Mateo County, volunteer lawyers work out of the family law facilitator's office to facilitate settlements in cases involving self represented litigants and to draft judgments embodying those agreements for presentation to the court. *For more information, contact Bill Lowell at wlowell@sanmateocourt.org.*

In El Dorado County, the court has an ADR Officer whose duties include settling cases. *For more information, contact Rosalie Tucker at rtucker@eldoradocourt.org.*

In Santa Clara County, the court has a Family Court Settlement Officer who handles informal settlement conferences and early neutral evaluations by agreement of the parties or order of the judge. The Officer is assisted by 237 lawyers, 30 of whom serve as Settlement Officer Conference pro tempore judges. *For more information, contact Ed Mills at emills@scscourt.org.*

In Fresno County, a judge will facilitate settlement of complex and highly contested cases, including "shuttle diplomacy" that may take up to two days. The court has experienced a 90% success rate with this technique over the past 4-5 years. *For more information, contact Judge David Kalemkarian at Dkalemkarian@fresno.courts.ca.gov.*

The court in Butte County uses a Voluntary Settlement Conference Program held with two family law attorneys appointed to serve as Settlement Officers, one of whom is designated Senior Settlement Officer. The parties must request a conference and prepare and serve a settlement conference statement 5 days before the conference. *For more information, contact Judge William Patrick or Sharon Brislain at sbrislain@buttecourt.ca.gov.*

In Sacramento County, the court has a very similar program using panels of two volunteer lawyers, one of whom is a senior member of the family law bar, but in Sacramento the lawyers are serving as pro tempore judges. The lawyers spend an entire day at the court 6 times a year to conduct these settlement conferences. *For more information, contact Bob O'Hair at bob@woplaw.com.*

The Sacramento County court acknowledges the large role that its facilities play in the success of its settlement program. A small courtroom is surrounded by a dozen meeting rooms. As settlements are reached, the parties come into the courtroom with the facilitator and the agreements are placed on the record before a pro tempore judge. *For more information, contact Bob O'Hair at bob@woplaw.com.*

In Los Angeles County, the court uses panels of volunteer attorneys and volunteer private mediators to help the parties settle their cases. *For more information, contact Mike Braverman, Administrator, at mbraverm@lasuperiorcourt.org.*

In Marin County, two volunteer lawyers sit with the judge as a settlement panel. *For more information, contact Dean Ross at Dean_ross@marincourt.org.*

The Orange County court brings together a great variety of resources for its Self Represented Litigant Calendar to facilitate settlements, including commissioners, family court services mediators and investigators, family law facilitators, volunteer lawyers, an attorney and a group of law students from a local law school clinic, and volunteer interpreters. *For more information, Amy Silva contact at asilva@occourts.org.*

In San Diego and San Francisco Counties, their pre-trial settlement conferences are mandatory. They, too, are conducted by volunteer lawyers serving as pro tempore judges. *For more information, in San Diego contact Judge William Howatt at william.howatt@sdcourt.ca.gov, and in San Francisco contact Claire Williams at cwilliams@sftc.org.*

The Los Angeles court appoints private mediators when the court deems the use of outside resources to be advantageous and the parties can afford them. Los Angeles uses forensic accountants when appropriate to help the court and the parties unravel complex financial situations. The courts in Contra Costa and San Mateo Counties have panels of forensic accountants available to provide services *pro bono* in appropriate cases. *For more information, contact Judge Robert Schnider, Supervising Judge, Family Law at rschnide@lasuperiorcourt.org.*

In Tulare County, at or after a case management conference, the court directs the parties into alternative dispute resolution when appropriate to help the court and parties. *For more information, contact Commissioner Brett R. Alldredge at balldredge@tulare.courts.ca.gov.*

Even if a court lacks a specific settlement program, the judge should take an active role in encouraging settlement of family law matters and in being available to enter a settlement on the record and produce a judgment, thereby reducing the number of appearances in family cases.

- **The court must ensure that it has all the information it needs to resolve cases early in the process**

The court should ensure that it gathers the information needed to process a case. Rule 5.500 and Family Code Section 6306 call on the courts to obtain background information on criminal restraining orders before entering custody and visitation orders and to search for records

of certain felony and misdemeanor criminal convictions, outstanding warrants, parole and probation status, and prior domestic violence restraining orders concerning the subject of a proposed domestic violence restraining order before acting on the order. While courts are not bound to follow FC Section 6306 (see Chapter 7 below), many courts have worked out procedures for obtaining the information listed in the statute.

The courts in Alameda, El Dorado, one region of Kern, Marin, Orange, Riverside, San Mateo, Santa Clara, Solano, and Tulare Counties have their staff obtain FC 6306 background information through CLETS and court data bases prior to judicial consideration of domestic violence petitions. *For more information, in Alameda contact Ruthanne Allen at rallen@alameda.courts.ca.gov, in El Dorado County contact Mary Ann Valles at mvalles@eldoradocourt.org, in Kern contact Jennifer Brown at Jennifer.Brown@kern.courts.ca.gov, in Marin contact Cheri Brannon at Cheri_brannon@marincourt.org, in Orange contact Amy Silva at asilva@occourts.org, in Riverside contact Judge Michele Levine at Michele.Levine@riverside.courts.ca.gov, in San Mateo contact Bill Lowell at wlowell@sanmateocourt.org, in Santa Clara contact Mary Macquire at mmacquire@scscourt.org, in Solano contact Grace Andres at gandres@solanocourts.com, and in Tulare contact Patricia Foster at pfoster@tulare.courts.ca.gov.*

The courts in Alameda, Kern, Orange, San Diego, San Francisco, Santa Clara, and Ventura Counties have established California Rule of Court 5.500 communication protocols. *For more information, in Alameda contact Liz Dunn at ldunn@alameda.courts.ca.gov, in Kern contact Jennifer Brown at Jennifer.Brown@kern.courts.ca.gov, in Orange contact Amy Silva at asilva@occourts.org, in San Diego contact Shawn Gleeson at shawn.gleeson@sdcourt.ca.gov, in San Francisco contact Claire Williams at cwilliams@sftc.org, in Santa Clara contact Judge Mary Ann Grilli at mgrilli@scscourt.org, and in Ventura contact Tonna Brodie at Tonna.Brodie@ventura.courts.ca.gov.*

The judge handling a pro per calendar in Sonoma County has an “issue sheet” prepared by staff identifying the matters in controversy between the parties. *For more information, contact Commissioner Louise Bayles-Fightmaster at lbayles@sonomacourt.org.*

Courts use many other mechanisms to ensure that they have the information they need to resolve cases. Family law facilitators and family law information centers assist self represented litigants to prepare required materials for filing. In both recommending and non-recommending jurisdictions, family court services provide judges with reports and recommendations on contested custody matters. The Judicial Branch website provides many forms to assist litigants to prepare papers with the information needed by the court to resolve their cases.

For example, the website includes a program to assist persons seeking domestic violence restraining orders in preparing adequate supporting declarations. *For more information contact Bonnie Hough at Bonnie.Hough@jud.ca.gov.*

- **The court must also ensure that all parties have the information they need to resolve cases early in the process**

Many courts use family law facilitators, family law information centers, videos, workshops, and court websites to provide information to self represented litigants. These programs are discussed in Chapter 6.

Orientation programs prior to mandatory mediation of child custody disputes are designed to ensure that the parties understand the impact of divorce on their children and to increase the likelihood that they will enter into mediation with the goal of reaching the best possible outcome for the children rather than for themselves.

Marin County offers its orientation program on line from the court's website at <http://www.co.marin.ca.us/courts/familycourt-mediation.cfm>. *For more information, contact Leo Terbieten at Leo_terbieten@marincourt.org.*

Courts can take steps to ensure that early disclosure takes place or that facts are developed so that parties and the court have the information they need to agree upon a just resolution of the case early in the proceedings.

The court in Ventura County delivers a letter from the supervising judge at the time of filing a dissolution petition or answer describing alternative ways to resolve matters to reduce conflict and expense. *For more information, contact Sarah Waters at Sarah.waters@ventura.courts.ca.gov.*

In San Diego County, the court distributes information upon filing advising of the case classification conference and the preparation required for it. *For more information, contact Linda Schaeffer at Linda.schaeffer@sdcourt.ca.gov.*

In Butte, El Dorado, Fresno, Kern, Riverside and Sacramento Counties, the court provides default forms packets. In Riverside County, the packet includes the checklist used by the court to check the sufficiency of submitted default judgments. *For more information, in Butte County contact Suzanne Morlock, Facilitator, at smorlock@buttecourt.ca.gov, in El Dorado contact Louise Urch at lurch@eldoradocourt.org, in Fresno County contact Fran Collins at Fcollins@fresno.courts.ca.gov, in Kern contact Christina Rodriguez at Christina.Rodriguez@kern.courts.ca.gov, in Riverside contact Larry Maloney at Larry.Maloney@riverside.courts.ca.gov, and in Sacramento contact Julie Setzer at setzerj@saccourt.com.*

In San Diego County, family law facilitators meet with self represented litigants at the case classification conference to discuss their cases and the steps that they will need to follow to complete them. *For more information, contact Frances Harrison at frances.harrison@sdcourt.ca.gov.*

A number of courts require parties to complete status reports prior to court case management hearings.

In San Mateo County, the court requires parties to complete a written statement prior to the court's status conference. *For more information, contact Bill Lowell at wlowell@sanmateocourt.org.*

4. Creating maximum predictability of court procedures and outcomes

Courts can take a number of steps to minimize the uncertainty and mystery of court procedures and to make it less difficult for lawyers to predict family case outcomes.

- **Judges take steps to reduce case outcome disparity**

Lawyers are reluctant to advise their clients to reach settlements in family law cases if they cannot predict with some degree of confidence the consequences associated taking the case to trial. Judges can reduce that uncertainty.

In Los Angeles County, the judges have an annual two day retreat, at which they discuss, among other things, their resolution of frequently occurring fact patterns. *For more information, contact Judge Robert Schnider, Supervising Judge, Family Law at rschnide@lasuperiorcourt.org.*

In Los Angeles and Sacramento Counties, judges use email to obtain input from other judges on unique procedural and substantive issues. *For more information, in Los Angeles contact Mike Braverman, Administrator, at mbraverm@lasuperiorcourt.org, and in Sacramento contact Judge Peter J. McBrien at mcbriep@saccourt.com.*

California Child Support Commissioners use email to share information on procedural and substantive issues related to child support matters. *For more information, contact Commissioner Sue Alexander at salexander@alameda.courts.ca.gov.*

Alameda, El Dorado, Fresno, Kern, Los Angeles, Orange, Riverside, Sacramento, San Francisco, Santa Clara, Solano, Stanislaus, and Ventura Counties use regular meetings of the bench and bar and Los Angeles, Solano, San Diego, and Santa Clara Counties use regular court meetings to maintain procedural consistency among the judges of multi-judge family courts. *For more information, in Alameda contact Hon. Yolanda Northridge at ynorthridge@alameda.courts.ca.gov, in El Dorado contact Commissioner Greg Dwyer at gdwyer@eldoradocourt.org, in Fresno contact Judge James Petrucelli at jpetrucelli@fresno.courts.ca.gov, in Kern contact Karen Houle at Karen.Houle@kern.courts.ca.gov, in Los Angeles contact either Margaret Little, Family Law Administrator, at mlittle@lasuperiorcourt.org, Mike Braverman, Administrator, at mbraverm@lasuperiorcourt.org or Dave Jetton, Manager, at djetton@lasuperiorcourt.org, in Orange contact Judge Francisco Firmat at ffirmat@occourts.org, in Riverside contact Judge Michele Levine at Michele.Levine@riverside.courts.ca.gov, in Sacramento contact Judge Peter J. McBrien at mcbriep@saccourt.com, in San Diego contact Judge William Howatt at william.howatt@sdcourt.ca.gov, in San Francisco contact Claire Williams at cwilliams@sftc.org, in Santa Clara contact Judge Patrick E. Tondreau at ptondreau@scscourt.org, in Solano contact Grace Andres at gandres@solanocourts.com, in Stanislaus contact Michael Tozzi at Michael.tozzi@stanct.org, and in Ventura contact Judge Manuel Covarrubias at Manuel.covarrubias@ventura.courts.ca.gov.*

➤ **Adopt structures that reduce judge shopping and increase certainty of outcome**

Courts can modify their case processing structures to reduce case outcome uncertainty. A master calendar system, in which a case may be heard by different judges for different purposes, fosters uncertainty.

Alameda, Fresno, Los Angeles, Orange, Riverside, Sacramento, San Diego, San Francisco, San Mateo, Santa Clara, Solano, Sonoma, Stanislaus, Tulare, and Ventura Counties have adopted “vertical adjudication” or “direct calendaring” processes – in which cases are assigned to one judge for all purposes – to increase the predictability of case outcomes. *For more information, in Alameda contact Hon. Yolanda Northridge at ynorthridge@alameda.courts.ca.gov, in Fresno contact Fran Collins at Fcollins@fresno.courts.ca.gov, in Los Angeles contact Mike Braverman, Administrator, at mbraverm@lasuperiorcourt.org, in Orange contact Amy Silva at asilva@occourts.org, in Riverside contact Judge Michele Levine at Michele.Levine@riverside.courts.ca.gov, in Sacramento contact Judge Peter J. McBrien at mcbriep@saccourt.com, in San Diego contact Judge William Howatt at william.howatt@sdcourt.ca.gov, in San Francisco contact Claire Williams at cwilliams@sftc.org, in San Mateo contact Bill Lowell at wlowell@sanmateocourt.org, in Santa Clara contact Judge Patrick E. Tondreau at ptondreau@scscourt.org, in Solano contact Grace Andres at gandres@solanocourts.com, in Sonoma contact Debbie Lamb at dlamb@sonomacourt.org, in Stanislaus contact Michael Tozzi at Michael.tozzi@stanct.org, in Tulare contact Cynthia Logan at clogan@tulare.courts.ca.gov, and in Ventura contact Keri Griffith at Keri.griffith@ventura.courts.ca.gov.*

In Kern County, the master calendar judge tries to maintain continuity of case assignment of the same case to the same judge to prevent repetitive motions filed in the hopes of getting a different judge to reach a different result. *For more information, contact Karen Houle at Karen.Houle@kern.courts.ca.gov.*

Courts also provide litigants with maximum information about the court’s processes so that they will not be surprised by the events that

occur. Many California courts provide additional information about local court rules, procedures and forms on their court websites.

The AOC's Self Help website provides extraordinary amounts of information about California law and procedure in family law cases to all Californians. *For more information, contact Bonnie Hough at Bonnie.Hough@jud.ca.us.*

Many courts, including Alameda, Butte, El Dorado, Humboldt, Los Angeles, San Diego, and Yolo Counties, provide workshops or clinics for self represented litigants. *For more information, in Alameda contact Carole Raimondi at craimondi@alameda.courts.ca.gov, in Butte contact Suzanne Morlock at smorlock@buttecourt.ca.gov, in El Dorado contact Jane Burton at jburton@eldoradocourt.org, in Humboldt contact Jay Gerstein at jgerstein@humboldtcourt.ca.gov, in Los Angeles contact Kathleen Dixon, Managing Attorney, at kdixon@lasuperiorcourt.org, in San Diego contact Frances Harrison at frances.harrison@sdcourt.ca.gov, and in Yolo contact Kathlyn Lamoure at klamoure@yolocourts-ca.gov.*

The court in Riverside County includes in its forms packet for self represented litigants the checklist used by court staff to review default judgments submitted for court approval. *For more information, contact Larry Maloney at Larry.Maloney@riverside.courts.ca.gov.*

The court can also help litigants find needed resources within the community.

In Los Angeles County, the court provides litigants with access to InfoLine – a community based referral service to a wide range of social services. InfoLine is provided over the telephone. An InfoLine resource specialist is located in the central Los Angeles courthouse. *For more information, contact Jeanette Flores, Court Manager, at jflores@lasuperiorcourt.org.*

In San Diego and San Mateo Counties, the court provides a binder with information on local attorneys willing to provide unbundled legal services. *For more information, in San Diego contact Frances Harrison at frances.harrison@sdcourt.ca.gov, and in San Mateo contact Bill Lowell at wlowell@sanmateocourt.org.*

5. Finding opportunities to improve efficiency

Any steps that the court can take to save time and effort – not just for the judge and court clerk staff but also for the lawyers, parties, witnesses, interpreters, Family Court Services staff, and outside agency staff involved in family matters – will make the court system more efficient and less burdensome for everyone.

Some judges take the position that any process that improves their personal efficiency is an effective process. For instance, calling all parties and lawyers to appear at 9:00 am ensures that the judge will not have any “wasted” bench time before the noon recess. But this practice creates great inconvenience for all the other court participants – requiring them to spend all morning waiting for the court to call their case. The modern perspective on efficiency is a much broader one – which encompasses all court participants. As a result, courts should calendar each case for hearing at a specific time during the morning or afternoon.

There are, of course, instances in which it is efficient to require all counsel to be present at the same time – for instance, a master calendar trial call at which cases are assigned out to divisions for trial. In this instance it is obvious why all trial counsel must be present.

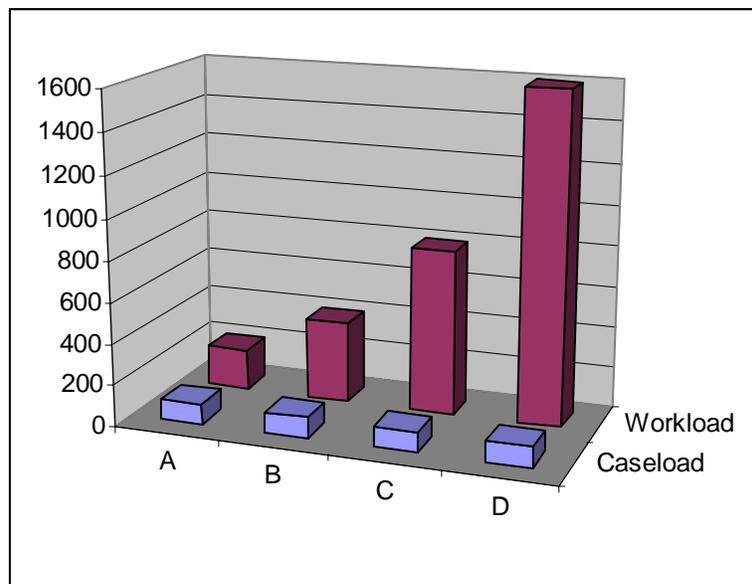
Similarly, judges may legitimately set a large number of cases for the beginning of the morning or afternoon for a pro per calendar, when the judge desires to provide all litigants with a standard orientation and there are large numbers of staff members standing by to assist the parties to resolve their cases following the judge’s orientation.

➤ **Eliminate unnecessary hearings, events, and requirements**

Cases that remain in litigation longer usually require more hearings and appearances than cases that are resolved more quickly. Every court appearance requires time of the judge and courtroom staff, the time of other court staff in scheduling, noticing, and recording the outcome of the hearing, the time of litigants and attorneys to prepare, travel to court, wait for the hearing to commence, and participate in the hearing. Some hearings also require the presence of family court services staff and private experts.

The simple graphic below shows how dramatically the real “workload” associated with the same “caseload” escalates as the average number of hearings increases. And it is not just the judge who feels the effect of the workload increase; the impact on all the other participants is even greater than the impact on the judge when you consider unavoidable transportation and waiting time. Everyone in Court D will have to work eight times as hard as those in Court A to dispose of the same number of family cases.

How to Multiply the Workload Associated with A Family Caseload



Court	Family Caseload	Average Appearances Per Case	Resulting Workload in Hearings to be Scheduled and Conducted
A	100	2	200
B	100	4	400
C	100	8	800
D	100	16	1600

Some judges schedule regular status conferences in contested dissolution cases as a means of maintaining pressure on the parties to settle the case. If these hearings serve no substantive purpose – if they don't resolve some issue in the case – such status hearings waste the time of the judge, court staff, attorneys and parties.

The same is true for many “review” hearings, set by the judge to follow up with the parties to ensure that the court’s orders are being followed. For instance, the judge may want to force one of the parties to abide by the terms of a treatment order. Or the judge may wish to find out if a pendente lite custody and visitation order “is working out.” While review hearings are appropriate in some circumstances, they consume significant resources of the court, the lawyers, and the parties. A judge is well advised to consider “less drastic alternatives” such requiring the filing of a status report on the matter of concern. The judge can make an entry on the calendar to check for the status report rather than scheduling a hearing.

In Riverside County, the court ceased setting hearings automatically when a proposed judgment submitted by a self represented litigant was rejected because they proved to be a waste of court and litigant time. *For more information, contact Judge Elisabeth Sichel at E.Sichel@riverside.courts.ca.gov.*

In San Francisco, the court has been concerned with the high number of child support enforcement proceedings that result from the typical process for creating a child support order – one in which most non-custodial parents do not participate. It concluded that if those parents could be convinced to participate, rather than to default, they would be more likely to comply with the support order issued. That reasoning has led to the Enhanced Parental Involvement Collaboration (EPIC) project designed to decrease IV-D defaults by “friendly” service of process, telephone and customized letter outreach, and pre-default status conferences. The default rate for cases in the program has been reduced to 1.2% from the rate in a comparison group of 64.4%. *For more information, contact Kristen Hoadley at khoadley@sftc.org.*

In Marin County, the court has developed an Incarcerated Parents Project to address child support issues for prison inmates by getting support orders reduced to collectible amounts. One of the objectives of this project is to reduce the number of subsequent child support enforcement hearings associated with uncollectible amounts of arrearages. *For more information, contact Judith Beck at Judith_beck@marincourt.org.*

In the courts in Nevada and San Diego Counties, in order to reduce the number of subsequent hearings for enforcement, family law facilitators meet with self represented parties following the issuance of a court order or judgment to explain its meaning and requirements and to reduce it to writing. *For more information, in Nevada contact Gretchen Serrata at Gretchen.serrata@nevadacountycourts.com, and in San Diego contact Frances Harrison at frances.harrison@sdcourt.ca.gov.*

As noted above, some courts adopt practices that maximize their efficiency and minimize the impact of court processes on the participants by marshalling the court’s resources to conclude cases on the date the parties first appear in court.

Chapter 5 discusses processes used in California courts to identify multiple pending cases involving members of the same family to be able to handle them more efficiently and effectively.

The family court services custody mediators are a limited court resource. A number of courts have taken steps to maximize the efficient use of that resource.

The Alameda County court has developed a master calendar system for assigning mediation dates at the time of referral intake. *For more information, contact Trish Kaplan at pkaplan@alameda.courts.ca.gov.*

In Fresno County, the clerk's office, family law facilitator, and support clerk's office have access to the Microsoft Outlook mediation calendar and can schedule mediations from their offices using their own computers. *For more information, contact Fran Collins at fcollins@fresno.courts.ca.gov.*

In Orange County, the clerk's office makes mediation appointments on line. *For more information, contact Edward Ojeda at ejeda@occourts.org.*

In Riverside County, an automated mediation calendaring system schedules mediations at the time of filing no more than 45 days after filing and at least 5 days prior to the date set for hearing. *For more information, contact Hiram Rivera-Toro at Hiram.Rivera-Toro@riverside.courts.ca.gov.*

In Los Angeles County, the court takes this one step further. Its computerized mediation scheduling system allows mediators and clerks to schedule mediations in any of the court's twelve locations. Mediation can take place in a location different from the place where the judge to whom the case is assigned sits. *For more information, contact Linda Louie, Administrator, at llouie@lasuperiorcourt.org.*

Other courts take measures to direct the use of their custody mediation resources so that all parties get a first mediation opportunity before other parties get a second or third mediation session.

The courts in Fresno, San Diego, and San Mateo Counties do not allow scheduling of a second mediation appointment in the same case within the same six month period without a court order. The Stanislaus County court prefers not to schedule or order a second mediation within a three month period but will do so if circumstances call for a second mediation. *For more information, in Fresno contact Lou Dawson at Ldawson@fresno.courts.ca.gov, in San Diego contact Patricia Chavez- Fallon at Patricia.Chavez-Fallon@sdcourt.ca.gov, in San Mateo contact Bill Lowell at wlowell@sanmateocourt.org, and in Stanislaus contact Michael Tozzi at Michael.tozzi@stanct.org.*

The court in San Diego County has a two tiered calendaring process for Family Court Services mediators. Parties who have not had a mediation are given preference, which translates into a 2-3 week earlier appointment. *For more information, contact Patricia Chavez-Fallon at Patricia.Chavez-Fallon@sdcourt.ca.gov.*

It is also possible to decide that certain standard requirements do not apply to particular types of cases and can be waived.

The court in Alameda County allows a party to waive prior notice of the issue when either child support or custody has not been included in the pleading before the court and both parties want the court to decide the omitted issue. *For more information, contact Hon. Glenn Olean, Commissioner at golean@alameda.court.ca.gov.*

The court in Riverside County allows parties to agree to a waiver to allow the court to deal with family and probate matters simultaneously when one of the cases is not formally before the court. *For more information, contact Judge Michele Levine at Michele.Levine@riverside.courts.ca.gov.*

➤ **Take steps to reduce the number of post judgment motions or proceedings in high conflict dissolution cases**

A single high conflict dissolution case can require more judge time than one hundred routine dissolution cases. Courts have developed some useful techniques for reducing the number of subsequent proceedings in these cases.

In Humboldt County, the court is experimenting with the use of "case managers" assigned to such cases to assist the parties to locate resources and monitor compliance with court orders. They serve as the parties' contact with the court and assist them in understanding and complying with existing court orders. *For more information, contact Jay Gerstein at jgerstein@humboldtcourt.ca.gov.*

In Los Angeles County, the court offers the parties in selected cases a comprehensive six session conflict resolution skills course. Each session lasts 2 ½ hours. The sessions use group interaction and skill building techniques. Los Angeles County also offers a mandatory 3-hour parenting education program called "Parents and Children Together" (PACT). Ventura County has a similar program. *For more information, in Los Angeles contact Linda Louie, Administrator, at llouie@lasuperiorcourt.org, and in Ventura contact Scott Jones at Scott.jones@ventura.courts.ca.gov.*

In Fresno, Napa, San Diego, and San Francisco Counties, the courts provide such a course entitled "Kids Turn." *For more information, in Fresno contact Lou Dawson at Ldawson@fresno.courts.ca.gov, in Napa contact Stephen Bouch at Stephen.Bouch@napa.courts.ca.gov, in San Diego contact Patricia Chavez- Fallon at Patricia.Chavez-Fallon@sdcourt.ca.gov, and in San Francisco contact Claire Williams at cwilliams@sftc.org.*

In the San Francisco County court, such parties are referred to a non-violent parenting skills course. *For more information, contact Claire Williams at cwilliams@sftc.org.*

In Santa Clara County, a local agency provides four effective training programs for parties in such cases – Kids Connection, Parents in Conflict, Safe Families, and Co and Parallel Parenting Counseling. *For more information, contact Center for Health Development – Terrance McLarnan at 408-985-8115.*

In San Diego County, the local community college has hired court mediators to teach the conflict resolution process at the college at no cost. The court can refer parties to the community college course. *For more information, contact Patricia Chavez- Fallon at Patricia.Chavez-Fallon@sdcourt.ca.gov.*

The court in Contra Costa County has developed a high conflict divorce case class available on CD Rom that includes games and other techniques to involve the participants. The program has been adapted for statewide use and is available at no cost from the Center for Children, Families and the Courts. *For more information, contact Bonnie Hough at CFCC at Bonnie.Hough@jud.ca.us or Martha Rosenberg at Contra Costa at MROSE@sc.co.contra-costa.ca.us.*

The courts in Los Angeles and Sacramento Counties have developed model form agreements for use by parties who wish to stipulate to the appointment of a Parenting Plan Coordinator/Special Master to hear and resolve disputes. The form requires the parties to state explicitly the extent of the special master's authority. *For more information, in Los Angeles contact Judge Robert Schnider, Supervising Judge, Family Law at rschnide@lasuperiorcourt.org, and in Sacramento contact Judge Peter J. McBrien at mcbriep@saccourt.com.*

The courts in Kern and Inyo Counties appoint minor's counsel in these cases to cut through the continuing disputes between the parents. *For more information, in Inyo contact Judge Dean Stout at dean.stout@inyocourt.ca.gov, and in Kern contact Karen Houle at Karen.Houle@kern.courts.ca.gov.*

The Santa Clara County court has developed a template for family court orders using plain language in an effort to make the terms of orders as clear as possible to improve compliance. *For more information, contact Judge Mary Ann Grilli at mgrilli@scscourt.org.*

➤ **Delegate some events to persons other than a judge**

California courts make extensive use of commissioners funded under AB 1058 to handle all matters relating to the establishment, modification and enforcement of child support. By supplementing AB 1058 funds with other court revenue, the court is able to have these commissioners handle a variety of other family case matters.

Enterprising courts have found ways to use persons other than judges to preside over some matters.

In San Diego, the court uses family law facilitators to conduct status conferences for cases involving self represented litigants. *For more information, contact Frances Harrison at frances.harrison@sdcourt.ca.gov.*

In Ventura County, the court uses a case management attorney to sit as a pro tempore judge to preside over case management status conferences in its Checkpoint Program. *For more information, contact Jeanne Flaherty at Jeanne.Flaherty@ventura.courts.ca.gov.*

In San Diego, San Francisco, and Santa Clara Counties, the courts provide special training to designated staff members so that they can assist judges in reviewing and processing defaults. *For more information, in San Diego contact Shawn Gleeson at shawn.gleeson@sdcourt.ca.gov, in San Francisco contact Claire Williams at cwilliams@sftc.org, and in Santa Clara contact Judge Mary Ann Grilli at mgrilli@scscourt.org.*

➤ **Hearings and trials take no longer than necessary**

Courts have developed numerous ways to avoid wasted time in the courtroom.

Attorneys are required to provide estimates of the time a hearing will require. At the beginning of the hearing, the judge will remind them of the amount of time set aside. If an attorney goes over that time, the judge consults with the attorney about his or her time estimate and cuts him or her short to the extent possible.

In Alameda County, one judge uses a visible stop watch to reinforce the importance of counsel hearing and trial time estimates. *For more information, contact Judge Yolanda Northridge at ynorthridge@alameda.courts.ca.gov.*

In Los Angeles, San Diego, and Santa Clara Counties, the courts will impose sanctions, including mistrial, for counsel's inaccurate time estimates. *For more information, in Los Angeles contact Judge Robert Schnider, Supervising Judge, Family Law at rschnide@lasuperiorcourt.org, in San Diego contact Judge William Howatt at william.howatt@sdcourt.ca.gov, and in Santa Clara contact Judge Patrick E. Tondreau at ptondreau@scscourt.org.*

The court refuses to hear duplicative witnesses, or receive extraneous or irrelevant exhibits.

In Alameda and Los Angeles Counties, the courts encourage attorneys to submit testimony by declaration subject to cross examination. *For more information, in Alameda contact Judge Yolanda Northridge at ynorthridge@alameda.courts.ca.gov, and in Los Angeles contact Mike Braverman, Administrator, at mbraverm@lasuperiorcourt.org.*

In Riverside County, the court requires counsel and parties to read and sign the local rules for trials and enters the signed copy in the case file. The rules deal, among other things, with the documents that the parties must produce at the trial. The requirement has proved beneficial for trials involving self represented litigants. *For more information, contact Judge Elisabeth Sichel at E.Sichel@riverside.courts.ca.gov.*

➤ **Act on motions and matters taken under submission promptly**

The court sets an example of efficiency and timeliness.

In Central Los Angeles County, the court has established a judgment unit to process default judgments submitted by affidavit for signature by the supervising judge so that they need not be referred to the judge assigned to the case. In other courthouses, civil courts help to process these judgments. *For more information, contact Mike Braverman, Administrator, at mbraverm@lasuperiorcourt.org.*

➤ **Design processes to make the best use of everyone's time – judges, court staff, attorneys, parties, witnesses (including expert witnesses) and family members, and family court services staff**

In an efficient court, no one's time is wasted sitting or standing around waiting for something to happen.

Family court services in El Dorado, Los Angeles, San Diego, and San Mateo Counties reserve some custody mediation appointments on each day's schedule for same day referrals from the courtroom. *For more information, in El Dorado contact Cyndi Ruelas at cruelas@eldoradocourt.org, in Los Angeles contact Linda Louie, Administrator, at llouie@lasuperiorcourt.org, in San Diego contact Patricia Chavez- Fallon at Patricia.Chavez-Fallon@sdcourt.ca.gov, and in San Mateo contact Bill Lowell at wlowell@sanmateocourt.org.*

A number of courts have experimented with "same day" custody mediation programs, in which a custody mediation session is scheduled on the morning of a court hearing on the case. A stipulation form is used to report agreements reached to the court.

This process may not be feasible in some courts – especially in very large courts. Some courts that have tried "same day" custody mediation and ceased it as a regular practice, finding that mediation sessions were too rushed, the courthouse corridors were chaotic with too many people waiting for mediation or hearing, and that parties did not have an adequate opportunity to consult with counsel following mediation and before a hearing.

Other courts have implemented the process and have been pleased with the results. They do not encounter, or have solved, the facilities and logistical problems encountered in other courts. They find that the parties greatly appreciate the opportunity to complete their case within a single court visit. The courts using the process report that it is particularly valuable in conjunction with hearings on temporary custody orders.

The courts in Kern, Solano, Tulare, Ventura, and Yolo Counties have established and continue their "same day" custody mediation programs. In Yolo County, if a custody/visitation agreement is reached during mediation, the parties are referred to the family law facilitator to work out an agreement on child support. Further, the court informs the party that they have the option to withdraw their consent to a stipulated agreement reached through this process within ten days of the court hearing. This provision gives the court assurance that parties have an opportunity to consult with counsel and to take advantage of counsel's advice. *For more information, in Kern contact Karen Houle at Karen.Houle@kern.courts.ca.gov, in Solano contact Grace Andres at gandres@solanocourts.com, in Tulare contact Patricia Foster at pfoster@tulare.courts.ca.gov, in Ventura contact Scott Jones at Scott.jones@ventura.courts.ca.gov, and in Yolo contact Peter Sapunor at psapunor@yolocourts-ca.gov.*

The Inyo County court has received a Kleps Award for its night court for child support cases. The court holds court once a month from 6:00 pm to 9:00 pm so that parents do not have to miss work to attend child support enforcement hearings. *For more information, contact Commissioner Terry Lee at (760) 872-2599.*

The Inyo County court also attempts to schedule hearings in multiple cases simultaneously. For instance, when logistically possible, the court coordinates the setting of a hearing before the judge on custody or visitation and a hearing before the commissioner on child support so that the parties need come to court only once. By way of another example, the court may consolidate for hearing related family law and guardianship proceedings. *For more information, contact Judge Dean Stout at dean.stout@inyocourt.ca.gov.*

Several courts, including those in Los Angeles and San Francisco Counties, use interpreters employed by the court for hearings involving criminal, IVD or domestic violence cases for other types of hearings when there is no further need for their services for the types of cases for which they were brought to court. This use is limited to the half day for which their services are already funded. *For more information, in Los Angeles contact Dave Jetton, Manager, at djetton@lasuperiorcourt.org, or Mike Braverman, Administrator, at mbraverm@lasuperiorcourt.org, and in San Francisco contact Claire Williams at cwilliams@sftc.org.*

➤ **Do not allow backlogs to develop**

Cases progress steadily through the court's family case resolution process. If at any time there are cases needing to proceed to a particular stage – whether to signing of a default judgment, to mandatory custody mediation, to a settlement conference, to a law and motions hearing, or to a trial on the merits – and the court cannot reach them within a short period of time, the court is experiencing a backlog.

Backlogs are not only the result of inefficiency. In and of themselves, they create additional inefficiency. Case backlogs create delay for all pending cases. The time required to reach a hearing or trial is extended because of the number of other cases that must be heard first.

Paperwork backlogs in the out-of-court processing of documents by court staff create problems as serious as backlogs of court hearings. Hearings may have to be rescheduled if necessary documents have not been filed in case files or if required information has not been obtained. When backlogs of paper develop, additional time is required to locate specific papers needed for an upcoming hearing or other purpose. Here again, backlogs not only disrupt the family process, but they contribute to further backlogs.

Monitoring the time required to obtain a hearing, the time required to obtain a mediation appointment, the time required to process default judgments is the responsibility of the chief executive officer and presiding judge, which they may delegate to the family presiding or supervising judge and family division director. The only appropriate

remedy is usually to devote more resources to the problem area, by shifting personnel from some less critical area, by obtaining temporary help, or by working harder and longer hours.

Monitoring pending staff work is the responsibility of court administrators and supervisors. They must pay close attention to the accumulation of unprocessed papers and files. They, too, can shift resources to deal with build ups before they become serious and before they begin to create additional work.

In Fresno County, the court has scheduled a "catch up" day and used overtime to overcome a backlog in the processing of default judgments. To prevent the recurrence of this problem, the court used extra funds to allow its family law information center staff to learn about common errors and to review proposed default judgments so that litigants succeed on their first default submission. If an examiner finds an error, s/he will call the submitter and ask that the litigant come to the courthouse to correct the error or omission. *For more information, contact Fran Collins at Fcollins@fresno.courts.ca.gov.*

In Tulare County, the court has used a panel of pro bono lawyers sitting as pro tempore judges to address an unacceptable delay in contested hearings. *For more information, contact Patricia Foster at pfoster@tulare.courts.ca.gov.*

In Marin County, the court uses volunteer attorneys, the family law facilitator, the family law examiner and family and civil mediators for a monthly pro per calendar for inactive family law cases. The court disposes of the cases by entering a judgment, dismissing the case, or otherwise remedying procedural issues in the case. *For more information, contact Diane Kallet at Diane_kallet@marincourt.org.*

➤ **Use technology to improve efficiency**

Technology and effective information systems ensure that all participants have direct access to current and accurate information about their cases and automated tools for completing documents during court and non-court events.

The AOC's Self Help website provides thousands of pages on information and forms to litigants and persons interested in learning how to file and pursue their family cases. *For more information, contact Bonnie Hough at Bonnie.Hough@jud.ca.us.*

In Orange County, the court, using a program developed by the local legal services program, provides ICAN fillable forms for some family court filings. *For more information, contact Amy Silva at asilva@occourts.org.*

The courts in 38 counties offer EZLegalFile – a program developed by the San Mateo Superior Court which is a web-based interactive forms preparation process – to litigants at no cost. Initial pleadings for dissolution, legal separation, domestic violence, and paternity cases, as well as form orders to show cause are available. *For more information, contact Bill Lowell at wlowell@sanmateocourt.org.*

Some courts, including the court in Butte County, are using the Hot Docs forms assembly programs designed by the AOC to assist self help center staff to prepare court forms for litigants, including court orders and judgments as well as parenting plans, quickly and correctly. San Francisco uses a different application named "Essential Forms." *For more information, in Butte contact Suzanne Morlock, Facilitator at smorlock@buttecourt.ca.gov, and in San Francisco, contact Claire Williams at cwilliams@sftc.org.*

The courts in Butte, Glenn and Tehama Counties recently won a Kleps award for their regional collaboration in which one attorney is able to provide self-help services in all three counties. She uses videoconferencing to offer workshops, supervise paralegal staff in the different courts and provide one-on-one assistance to litigants. *For more information, contact Suzanne Morlock, Facilitator at smorlock@buttecourt.ca.gov.*

In Fresno County, family court services has developed a word processing macro for proposed orders that is user friendly and expedites the preparation of such documents. *For more information, contact Pam Anderson at Panderson@fresno.courts.ca.gov.*

The Marin County court provides its mediation orientation program on line on the court's website. *For more information, contact Leo Terbieten at Leo_terbieten@marincourt.org.*

The court in Solano County is beta testing the FACCTS software that enables automated creation of DV 130 forms in the courtroom. Other courts are using automated processes that they have devised to create restraining orders in the courtroom at the time of the hearing. *For more information, contact Grace Andres at gandres@solanocourts.com.*

In Riverside County, the court images all documents as they are filed. Judges, staff, lawyers, and family court services mediators all have instantaneous access to these electronic documents to prepare for hearings and mediation sessions. *For more information, contact Brenda Haliburton at Brenda.Haliburton@riverside.courts.ca.gov.*

The Family Law module of the California Case Management System will address the automated case management needs of judges and staff processing family law cases. *For more information, contact Margie Borjon-Miller at Margie.Borjon-Miller@jud.ca.gov.*

In Sonoma County, family court services provides draft agreements to the court in Word format that are saved in a file on a shared drive accessible to the judicial officer so that he or she can make modifications easily from the bench. *For more information, contact Lesley Allen at lallen@sonomacourt.org.*

6. Handling different types of cases differently

“Differentiated case management” is a complicated name for a simple concept – family cases of different degrees of complexity should be handled in different ways. For example, the procedures appropriate for a highly contested dissolution case with children are not necessary or appropriate for default cases. Paternity and child support enforcement cases are different from domestic violence cases, which in turn are different from dissolution, legal separation, and nullity cases. Cases seeking an initial judgment of dissolution are different from cases in which the parties are seeking modifications to or enforcement of an existing judgment. Many California courts have adopted practices consistent with this principle.

➤ Establish separate courts or calendars for handling cases of different levels of complexity

Most California courts have established separate courts or calendars for handling domestic violence petitions. In a number of courts those petitions are sent to the judge handling a dissolution case involving the same parties. IV D child support matters are also set on separate calendars, largely because they are heard by AB 1058 commissioners. Typically, adoption cases as well are heard on a separate calendar.

San Diego County has one department exclusively assigned to hear long cause and multiple day matters. *For more information, contact Judge William Howatt at william.howatt@sdcourt.ca.gov.*

The courts in Alameda, Butte, El Dorado, Fresno, Humboldt, Marin, Orange, Riverside, Sacramento, Sonoma, and Ventura Counties have created separate pro per calendars. *For more information, in Alameda contact Carole Raimondi at craimondi@alameda.courts.ca.gov, in Butte contact Andrea Nelson at anelson@buttecourt.ca.gov, in El Dorado contact Commissioner Greg Dwyer at gdwyer@eldoradocourt.org, in Fresno contact Fran Collins at fcollins@fresno.courts.ca.gov, in Humboldt contact Jay Gerstein at jgerstein@humboldtcourt.ca.gov, in Marin contact Kim Turner at Kim_turner@marincourt.org, in Orange contact Amy Silva at asilva@occourts.org, in Riverside contact Judge Sherrill Ellsworth at Sherrill.Ellsworth@riverside.courts.ca.gov, in Sacramento contact Judge Peter J. McBrien at mcbriep@saccourt.com, in Sonoma contact Kathy Petit at kpetit@sonomacourt.org, and in Ventura contact Sarah Waters at Sarah.waters@ventura.courts.ca.gov.*

The courts in Calaveras, Kern, Los Angeles, Orange, Sacramento, and San Diego Counties have specialized default calendars. *For more information, in Calaveras contact Grant Barrett at gbarrett@calaveras.courts.ca.gov, in Kern contact Christina Rodriguez at Christina.Rodriguez@kern.courts.ca.gov, in Los Angeles contact Mike Braverman, Administrator, at mbraverm@lasuperiorcourt.org, in Orange contact Patricia Huberty at Phuberty@occourts.org, in Sacramento contact Judge James M. Mize at mizej@saccourt.com, and in San Diego contact Shawn Gleeson at shawn.gleeson@sdcourt.ca.gov.*

The court in Riverside County has a "non-proof of service" calendar for cases in which three years have passed without the filing of a proof of service. *For more information, contact Brenda Haliburton at Brenda.Haliburton@riverside.courts.ca.gov.*

The court in San Francisco County conducts a Readiness Calendar for custody and visitation motions. The parties attend the court's custody orientation program the morning of the Readiness Calendar. If service is proper and one party defaults, the judge will hear and decide the matter. Otherwise, the judge will set a mediation date for the following week, with a hearing date in the following week. *For more information, contact Claire Williams at cwilliams@sftc.org.*

The court in Stanislaus County has a pro per consent calendar for partial or full settlements. *For more information, contact Michael Tozzi at Michael.tozzi@stanct.org.*

The court in Sonoma County has a specialized law and motion calendar during which the court hears all motions and orders to show cause dealing with procedural matters such as changes of venue, UCCJEA issues, etc. *For more information, contact Debbie Lamb at dlamb@sonomacourt.org.*

- **Assign cases with the same characteristics to the same judges so that the cases get heightened attention and consistent treatment**

When some types of cases are assigned to general calendars, they are virtually overlooked as minor or trivial. Assigning them to a single calendar raises their visibility and increases the awareness of the judge handling them of the social circumstances out of which they arise. These collaborative justice courts are often referred to as "problem solving" courts because they attempt to stop the revolving door of family court involvement of the parties who appear in them.

Riverside County has had a Substance Abuse Court for the past 6 years – a voluntary 1 year drug court program with 3 phases, evaluations, random drug testing, incentives and sanctions, relapse prevention training and regular appearances before a judicial officer. Case managers from the family court services unit implement the program. The Department of Mental Health provides rehabilitative treatment services. *For more information, contact Commissioner Bambi Moyer at Bambi.Moyer@riverside.courts.ca.gov.*

Santa Clara County has a Family Treatment Court. A court coordinator assists a parent or parents to find drug treatment services and to monitor their progress. The Treatment Court judge holds regular progress hearings, but refers any change of custody/visitation issues to the judge to whom the family case is assigned. *For more information, contact Judge Patricia Lucas at plucas@scscourt.org.*

In San Diego County, family court judges have limited ability to use the court's Substance Abuse Assessment Unit, originally created to assess DUI offenders, to screen parties in family cases for drug use. *For more information, contact Judge William Howatt at william.howatt@sdcourt.ca.gov.*

In Yolo County, the court has an Intensive Treatment Review Program for dependency case parents supported by a coalition of interested agencies and treatment providers. For some time the program functioned with judicial involvement; however currently there is no judicial involvement. *For more information, contact Kathlyn Lamoure at klamoure@yolocourts-ca.gov.*

In Alameda County, the court has created an elder abuse calendar to draw attention and resources to these cases. *For more information, contact Ruthanne Allen at rallen@alameda.courts.ca.gov.*

The court in Riverside County holds a special Job Search calendar for child support cases in which non-custodial parents are seeking employment. The court is able to bring in special resources to assist litigants by grouping them on a single calendar. *For more information, contact Judge Elisabeth Sichel at E.Sichel@riverside.courts.ca.gov.*

➤ **Assign cases to different procedural tracks based on their complexity or other characteristics**

The court in San Diego has instituted a “pure” differentiated case management process for its family cases.

In San Diego, the court sets every dissolution, paternity, legal separation and nullity case for a case classification conference 150 days after filing. A case is assigned to one of three tracks – (1) conventional, (2) diverted or (3) managed. (1) A conventional case is ready to proceed to judgment without delay; the family law facilitator will help the parties reach judgment. (2) Diverted cases are referred to some form of ADR with a follow up conference set for 12 months. (3) In all other cases the court sets an individualized case schedule appropriate to the processing needs of that case. *For more information, contact Judge William Howatt at william.howatt@sdcourt.ca.gov.*

7. Setting case processing goals and using court data to monitor compliance with them

Courts making an effort to improve their case processing find it helpful to set clear goals not only for the overall time required to dispose of a case, but also for intermediate stages of case processing as well.

The California Judicial Council has set statewide time to disposition goals for civil and criminal cases in Section 2.1 of the Standards of Judicial Administration. It has not included any such standards for timely family case disposition.

The legislature, in Family Code Section 2339(a), has provided that no judgment of dissolution is final for the purpose of terminating the marriage relationship until six months following service of summons or the appearance of the respondent, whichever occurs first. Subsection (b) authorizes the court to extend that period for good cause shown. However, most courts issue dissolution judgments prior to that date containing a proviso that they do not take effect until the running of the six month period.

The Domestic Violence Prevention Act does establish time limits for consideration and disposition of petitions for domestic violence restraining orders. And some sections of the Family Code establish timeliness requirements, such as the requirement in Section 3173 that mandatory mediation of some custody and visitation matters take place within 60 days.

There has long been debate within the family bench and bar concerning whether swift disposition of cases should be a goal of the family court. Opponents of making timeliness a goal make these arguments:

- Allowing flexibility in the length of time for disposition of a divorce produces a better outcome. Dissolution of a marital relationship involves deep emotions. The parties will not be able to reach agreement on the terms of that dissolution until time has lessened the intensity of these emotions. Until both parties have progressed through the process of dealing with these emotions, they will not be able to reach a consensual resolution of the case. A court imposed resolution will not be as satisfactory to the parties and they will return to court seeking a modification of the divorce decree.
- By pressing for prompt resolution, the court might undermine a reconciliation between the parties.
- The court may unintentionally exert pressure on the party in an inferior bargaining position to agree to an unfavorable settlement if it presses for prompt resolution of a case. Women who have been the subject of domestic

violence or others who feel particularly vulnerable may accede to the terms of a settlement if they feel under court pressure to bring a case to closure.

There are countervailing arguments. The American Bar Association and twenty-eight states have adopted time to disposition standards for family cases. The states and their time standards are set forth in Appendix A.

- Litigants want their family cases decided quickly. The only study that asked litigants in family law cases how long they would have wanted their cases to take was conducted in New Mexico in 1997. Fifty percent of the litigants would have wanted their cases resolved within two months. Another 29% would have wanted their cases resolved within three months. Only 1% stated that they wanted their case to take between 12 and 24 months. An article reporting on the study is attached as Appendix B.

The results of the National Center's recent Trust and Confidence study confirm that litigants in California also seek quick disposition of family cases.

- The impact of uncertainty is greater on children than on adults. Children have a different sense of time than adults; the passage of time is slower. Living with uncertainty – especially concerning their personal living situation – is also harder on children than on adults. Consequently, delays in reaching final resolution of custody matters affecting children are harmful to them emotionally.
- Delay in final resolution of divorce litigation is just as likely to lead to escalation as to de-escalation. Many family matters tend to fester with the passage of time. Inevitable interactions among the parties are as likely to lead to increased grievances and escalating conflict as they are to cooling emotions and personal acceptance of the end of a longstanding relationship.
- The arguments against swift disposition apply, if at all, only to dissolution, legal separation and nullity cases, and only to a small portion of them. Timeliness is clearly

appropriate for domestic violence cases, adoptions, paternity and child support matters. It is also appropriate for all divorce cases which proceed by default and stipulation. There is every reason to believe that the parties in many contested divorce cases want them to be resolved quickly.

- In the category of contested divorce case to which the arguments may apply, the court has an obligation to act swiftly whenever one of the parties seeks the court's intervention. Whenever a party files a motion or an order to show cause, at least one of the parties has asked the court to act, and to act swiftly. The prompt entry of temporary orders regarding custody, visitation, and occupancy of the family residence, temporary child and spousal support are essential to the welfare of the parties to the case. Some post judgment cases, such as those arising from one parent's need to relocate, also require immediate court attention and action.

For all of the latter reasons, the national consensus is that timeliness is an important goal for family courts. In California, however, the Judicial Council has left the setting of those goals to each court.

➤ **Set internal time to disposition goals for family cases**

The courts in San Diego and Ventura Counties have established their own internal goals for timely family case resolution. The Ventura court has not implemented its plan due to lack of resources; however, it nonetheless serves as an alternative model for a set of internal family case processing goals.

The San Diego County court has set an internal goal of disposing of 90+% of all family cases within twelve months. A recent evaluation of its case classification conference program shows that it is disposing of 85% of its cases within twelve months of filing, and 91% within 14 months. *For more information, contact Shawn Gleeson at shawn.gleeson@sdcourt.ca.gov.*

The Ventura County court has set a series of internal time goals for the steps of a dissolution case. A start date for implementing these goals has not yet been identified due to lack of resources.

Day 1	Petition filed
Day 60	Proof of Service Filing Deadline
Day 75	Failure to File Proof of Service – Case Review Conference
Day 100	Request for Default – Estimated Deadline
Day 130	Notice Mailed OSC Re: Failure to File Default and Status Report
Day 175	Status Report Filing Deadline
Day 180	OSC Dismissal Re: Default and/or Case Review Conference
Day 240	Mandatory Settlement Conference Hearing
Day 365	Case Completed
Day 730	OSC Re: Dismissal after Hearing

For more information, contact Keri Griffith at Keri.Griffith@ventura.courts.ca.gov.

Other courts should look to the time to disposition standard examples in Appendix A. Many states have determined that a single standard covering all family cases is unrealistic. For instance, the timeliness requirements for domestic violence cases are very different from those for contested divorces that involve children. Further, other states have realized, for the most part, that within a particular case category some portion of the cases will be sufficiently conflicted or complex to require a longer disposition time period. And others (such as defaults and stipulations) should be disposed of very quickly. So, many courts use a model providing that some portion of the cases will be decided within a relatively short time frame, most of the cases (usually 90%) will be decided within a basic timeframe (e.g., 12 to 14 months), and the remainder (usually 10% or fewer) will be decided within an extended period (e.g., 24 months).

W. Edwards Deming, the American management consultant to whom Japan's emergence as a producer of the world's highest quality consumer products is attributed, advocated a different approach to setting performance goals. He contended that an organization's objective should be to improve its performance continuously – not to reach a specific arbitrary goal or standard. He observed that when organizations set a goal they tend to engender opposition based solely

on the appropriateness of the specific goal established. And by setting a goal, they actually limit the extent to which they may actually improve in the future. So, he advocated that an organization merely determine its current level of performance and resolve to better that performance each year or shorter period. Over time, continuous improvement necessarily leads to maximum performance.

Courts may wish to consider Deming's approach in setting internal timeliness or other goals as a way of marshalling courtwide support for improvement without creating opposition based on disagreement with a specific definition of success.

➤ **Set additional internal timeliness goals by which to measure the efficiency of court operations**

The setting of overall time to disposition goals is an important, but not sufficient step. In order to accomplish an overall case processing timeliness goal, it will be necessary for the court to accomplish particular case processing steps in a timely fashion. Courts should consider the following examples of useful specific processing goals:

- mandatory custody mediations will be completed within ___ days from (filing of a custody/visitation motion or referral by the court);
- reports from family court services mediators (in a recommending jurisdiction) will be filed within ___ days of a mediation session;
- the court will conduct a hearing on all cases not resolved during custody mediation within ___ days following the mediation session;
- the court will set all motions and OSCs for hearing within ___ days of filing;
- the court will act on all default judgments within ___ days of submission;
- the court will dispose of ___% of all cases involving two self represented litigants, or one self represented litigant when the other has defaulted, on the day the litigants first appear in the courthouse.

The Deming approach to these intermediate goals would be to determine the current level of performance and commit to improving it during the coming year or six months.

Either approach requires the court to gather data on the timeliness of its operations.

In Orange County, the court guarantees a one week turnaround for FC 2336 judgments submitted on the court's special forms. *For more information, contact Edward Ojeda at ejeda@occourts.org.*

- **Courts use case management information to report on the timeliness of case processing and to monitor compliance with local timeliness standards**

Courts cannot know whether they are complying with their standards without regular, complete and reliable statistical information.

The reporting of performance data is, by itself, a significant motivator for everyone involved in the process. Under Deming's approach the desire to improve performance continuously, even by very small increments, is the sole motivator required for excellence.

Chapter 11 of this manual deals extensively with case management reports for family cases.

3

Effective leadership

Successful implementation of the techniques discussed above will not occur by accident or through the efforts of one judge or administrator. It requires a court to marshal its resources, its determination, and its attention on prompt disposition of family cases and to maintain that energy and focus for an extended period of time.

As the discussion in chapter 2 makes clear, successful family caseflow management consists of repetitive and sometimes tedious attention to the age and status of cases. It requires consistency and determination and does not bring immediate popularity. The discipline of caseflow management consists of paying attention to myriad details, as well as to the larger concepts of setting and reinforcing positive expectations. Those details require repeated attention every day of the court year.

Summoning the will to become effective in family caseflow management requires leadership. The principal court leaders are the presiding judge, the presiding or supervising judge of the family department, the court executive officer, and the staff director for the family department. Other judges and staff can also lead by example and otherwise play pivotal roles in the implementation of new family caseflow management processes. The principal leadership task is change management – convincing the other judges and staff of the need for and benefits of improved family case management, creating and maintaining enthusiasm for new procedures, and ensuring that the procedures remain in place when other projects become the center of attention.

In family caseflow management, leadership is not limited to mobilization of the energies of court personnel. It includes leading the family law community.

Involving all of the family law entities in the community, including the entities within and outside of the court

Effective family caseload management requires the involvement and cooperation of all partners within the family law system. Bringing these groups into an effective working relationship often resembles more closely the principles of international diplomacy than those of court administration.

- **An effective leader brings all the entities involved in the family law process together at the same table**

Within the court there are multiple staff entities that need to work effectively with chambers and the clerk's office, among them family court services, family law facilitators, family law information centers, drug courts and other specialized calendars.

Outside the court there are many more groups and entities whose cooperation is essential. They include the family law bar, legal services programs, the Department of Child Support Services, Child Protective Services and the Department of Social Services, Adult Protective Services, the Public Guardian, domestic violence shelters and advocates, probation departments, law enforcement, sheriff's departments and private process servers, supervised visitation programs, private providers of counseling, treatment and educational programs, and private custody evaluators.

The family court is the entity in most communities that can bring all of these groups together and inspire them to work together for the benefit of the families whom they all serve.

In most counties, some of these groups come together on a regular or periodic basis. The Administrative Office of the Courts has encouraged one of these models – a domestic violence council – bringing together all entities concerned about and involved in domestic violence prevention and enforcement of restraining orders.

The family law bench and bar meet regularly in Alameda, El Dorado, Fresno, Kern, Los Angeles, Orange, Riverside, Sacramento, San Diego, San Francisco, Santa Clara, Solano, Stanislaus, and Ventura Counties. *For more information, in Alameda contact Judge Yolanda Northridge, at ynorthridge@alameda.courts.ca.gov, in El Dorado contact Commissioner Greg Dwyer at gdwyer@eldoradocourt.org, in Fresno contact Judge James Petrucelli at jpetrucelli@fresno.courts.ca.gov, in Kern contact Karen Houle at Karen.Houle@kern.courts.ca.gov, in Los Angeles contact Judge Robert Schnider, Supervising Judge, Family Law at rschnide@lasuperiorcourt.org, in Orange contact Judge Francisco Firmat at ffirmat@occourts.org, in Riverside contact Judge Michele Levine at Michele.Levine@riverside.courts.ca.gov, in Sacramento contact Judge Peter J. McBrien at mcbriep@saccourt.com, in San Diego contact Judge William Howatt at william.howatt@sdcourt.ca.gov, in San Francisco contact Claire Williams at cwilliams@sftc.org, in Santa Clara contact Judge Patrick E. Tondreau at ptondreau@scscourt.org, in Solano contact Grace Andres at gandres@solanocourts.com, in Stanislaus contact Michael Tozzi at Michael.tozzi@stanct.org, and in Ventura contact Keri Griffith at Keri.griffith@ventura.courts.ca.gov.*

The court is part of a Domestic Violence Council in a number of counties, including Alameda, Fresno, San Francisco, San Mateo, Santa Clara, Tulare and Ventura Counties. *For more information in Alameda contact Trish Kaplan at pkaplan@alameda.courts.ca.gov, in Fresno contact Fran Collins at Fcollins@fresno.courts.ca.gov, in San Francisco contact Claire Williams at cwilliams@sftc.org, in Santa Clara contact Judge Mary Ann Grilli at mgrilli@scscourt.org, in San Mateo contact Bill Lowell at wlowell@sanmateocourt.org, in Tulare contact Commissioner Norma Castellanos-Perez at NCPerez@Tulare.courts.ca.gov, and in Ventura contact Scott Jones at Scott.jones@ventura.courts.ca.gov.*

In other counties, entities involved in family law come together to discuss issues associated with dependency cases. Examples include Humboldt and Yolo Counties. *For more information, in Humboldt contact Jay Gerstein at jgerstein@humboldtcourt.ca.gov, and in Yolo contact Kathlyn Lamoure at klamoure@yolocourts-ca.gov.*

Child Abuse Councils serve as the focus of entity meetings in other counties, including San Mateo and Santa Clara Counties. *For more information, in San Mateo contact Bill Lowell at wlowell@sanmateocourt.org, and in Santa Clara contact Judge Mary Ann Grilli at mgrilli@scscourt.org.*

The court in Riverside County convenes regular meetings of its Drug Court Oversight Committee. *For more information, contact Commissioner Bambi Moyer at Bambi.Moyer@riverside.courts.ca.gov.*

In some counties, the court convenes groups broad enough to encompass all or most of the entities involved in family law.

Alameda County has a Family and Juvenile Ad Hoc Committee, composed of family, juvenile and DVPA judicial officers and staff, county counsel, Department of Social Services, DCSS, Juvenile Probation, and the Probate Investigator's Office. *For more information, contact Commissioner Sue Alexander at salexander@alameda.courts.ca.gov.*

In Inyo County, the judges, family bar, advocacy groups, law enforcement, court staff, and other stakeholders hold periodic meetings. *For more information, contact Judge Dean Stout at dean.stout@inyocourt.ca.gov.*

In Los Angeles County, the supervising family law judge chairs meetings with representatives of pro per provider agencies, the Executive Committee of the Family Law Bar Association, the Child Support Services Department, and the Domestic Violence Planning Group. *For more information, contact Judge Robert Schnider, Supervising Judge, Family Law at rschnide@lasuperiorcourt.org or Margaret Little, Family Law Administrator, at mlittle@lasuperiorcourt.org.*

In Sacramento County, the court has established a Tri-Court Committee of judges, practitioners, and agencies involved in family, juvenile and probate cases. *For more information, contact Judge Charles C. Kobayashi at kobayac@saccourt.com.*

- **Initial efforts involve “confidence building” measures that produce trust on which cooperative efforts can build**

The heads of family law entities have not always been supportive of each other. Competition for scarce resources may have pitted their organizations against each other in the past. Criticism by the press or political leaders of the performance of one of the entities may have led that unit's leaders to respond defensively by blaming other parts of the system. The most important confidence building measure that the presiding judge can instill in the coordinating group is the principle that henceforth disagreements will be resolved within the group and that the entities will strive to support each other in public. That single measure can produce immediate good will and reduce the rancor produced by past disagreements.

Cooperation among family law entities usually produces benefits for all. Efficiencies identified in Chapter 2 benefit the attorneys, family court services, child support services, child protective services, and domestic violence advocates – as well as the judge and court clerical staff. A presiding judge can set an agenda that focuses the group's attention initially on the areas in which cooperation will have the greatest mutual benefits, thereby building confidence to use in addressing more difficult and divisive issues.

Bringing diverse interests together into a team, overcoming institutional boundaries and separations

The court can never delegate its duty to manage its own calendar. However, it can convince the heads of the agencies of their common interest in an effective family law system and in efficient procedures that save the time and resources of staff from all parts of the system. Unlike the pursuit of limited public funds, improvement of family case

management is an endeavor in which all entities can benefit simultaneously.

In addition to instilling a common vision of successful interaction, an effective leader can encourage interactions and exchanges at all levels of the respective organizations.

In Kern County, the family division supervisor is administrative liaison for the court and meets regularly with DCSS and the family law bar. *For more information, contact Karen Houle at Karen.Houle@kern.courts.ca.gov.*

In San Diego County, family court services and child protective services hold periodic meetings. *For more information, contact Patricia Chavez- Fallon at Patricia.Chavez-Fallon@sdcourt.ca.gov,*

Imbuing the team with a common view of the problem to be solved and a sense of urgency in solving it

Effective court leaders throughout California have brought the outside agencies together with court personnel to solve common problems.

In Los Angeles County, the court hosts several committees addressing the problem of fraudulent legal assistance providers. *For more information, contact Margaret Little, Family Law Administrator, at mlittle@lasuperiorcourt.org.*

A collaboration of entities has come together in San Mateo County to obtain resources and oversee a coordinated response to the co-occurrence of domestic violence and child abuse. *For more information, contact Bill Lowell at wlowell@sanmateocourt.org.*

In Tulare County, family court services and Eternal Provider, the local family services agency to whom the court makes referrals, are building a joint data base to track referrals and make sure that families do not fall through the cracks. *For more information, contact Patricia Foster at pfoster@tulare.courts.ca.gov.*

However, the most important leadership role is within the court itself. An effective court leader also brings the judges and court staff together in support of effective family caseflow management.

Selling Family Caseflow Management

The first task is to convince court personnel of the need to improve the court's performance, by techniques as straightforward as:

- using family case data to document the court's current performance;
- pointing out the difficult working environment created by inefficient practices;
- explaining the difference between "caseload" and "workload." See pages 55 and 56.

It is generally more effective to involve judges and staff in a discussion of the problems associated with family case management – where they have the opportunity to present their own perceptions and issues – than to make a presentation to them. However it is helpful to have empirical information and practical examples available to bolster points made by others.

The second task is to convince the judges and staff that adherence to the principles of caseflow management will improve the court's performance and their own work environments. This could be accomplished by:

- reciting examples of effective practices followed in another court and the benefits achieved by them;
- having a judge or court executive officer from another court come to your court to describe the other court's caseflow management procedures;

- having a judge from another court come to talk to judges in your court (Hearing a message from a person of your own rank and stature is more convincing than hearing it from a person who is not a judge.);
- having judges and staff from your court visit another court that uses a more sophisticated family law case management approach;
- distributing this manual;
- anticipating objections and being prepared to address them. (Lawyers are well trained to think of the “hard cases” for which a new approach will not work; be prepared to recognize the need to implement any policy with the discretion to recognize and accommodate exceptional cases or situations.)

In addition to their powers of persuasion, the presiding judge and court executive officer have explicit, formal authority under the Judicial Administration Rules concerning the administration of the court. Rule 6.603 assigns to the Presiding Judge responsibility for:

- (1) Ensuring the effective management and administration of the court, consistent with any rules, policies, strategic plan, or budget adopted by the Judicial Council or the court; [and]
- (2) Ensuring that the duties of all judges specified under rule 6.608 are timely and orderly performed;

Rule 6.610 governing the court executive officer, in Section 6.610(c)(4), gives the CEO explicit responsibility for monitoring caseload management and recommending effective techniques:

- (4) (*Calendar management*) Supervise and employ efficient calendar and case flow management systems, including analyzing and evaluating pending caseloads and recommending effective calendar management techniques.

And Rule 6.608 setting forth the duties of all judges, in Section 6.608 (5) requires judges to comply with the presiding judge’s administrative direction:

- (5) Follow directives of the presiding judge in matters of court management and administration, as authorized by the rules of court and the local rules and internal policies of the court.

Helping the court to apply the principles to develop new practices that will save time and effort and improve results

While many of the principles of caseload management are explicit and straightforward, most of them are more general in nature, requiring application to the circumstances of each court.

It is often useful to create a small working group to prepare a set of detailed recommendations for improved practices and procedures for consideration by the court's governance body. Allow persons to volunteer, but ensure that the group has within its number the persons needed to think analytically, reach conclusions, and articulate proposals clearly. It is rarely useful to include strong opponents, with the hope of co-opting them into support; they are more likely to stymie the rest of the group. Suggest to the working group persons outside the court from whom they can obtain suggestions and input.

The court in Marin County has created a steering committee comprised of mediators, litigators and judges to formulate standards for implementing family law case management. *For more information, contact Kim Turner at Kim_turner@marincourt.org.*

It is often useful to establish a "policy committee" composed of judges and the court executive officer to formulate the broad vision of new procedures and delegate to a staff team the development of detailed implementation plans and proposals.

It will almost always be necessary for the court to find ways to reallocate existing resources to support innovations. The court will usually not be able to obtain additional, new resources for this purpose. However, innovations designed to improve efficiency should produce savings that offset the effort invested in them.

Obtaining commitment from the judges, court staff and other entities involved to pursue the new practices

Experience shows that obtaining the commitment of the judges and court staff to the achievement of ambitious goals is far more important than the details of how those goals are accomplished. Commitment will be enhanced by participation in and “ownership” of the new practices and procedures to be implemented. An effective leader realizes that achieving maximum “buy in” from the judges and staff of the court is far more important than having a final plan that reflects his or her own personal preferences and judgments about the best new approaches.

It is often not possible, or necessary, to obtain 100% agreement with a new approach. If there is significant skepticism about a new approach, it is often useful to suggest a “pilot” program to try the approach in a limited number of courtrooms for a limited period. If opposition is limited to one or two judges, it is often easier to find a way to exempt them from the program until they can be reassigned to a different department in the course of the court’s regular judicial rotation policy.

In Ventura County, the court has taken steps to ensure that the judges and administrative staff share the same goals. *For more information, contact Tonna Brodie at Tonna.Brodie@ventura.courts.ca.gov.*

The courts in Calaveras, El Dorado, Fresno, Santa Clara, and Yolo Counties report that they have developed a spirit of innovation among the judges and administrative staff. *For more information, in Calaveras contact Grant Barrett at gbarrett@calaveras.courts.ca.gov, in El Dorado contact Jackie Davenport at jdavenport@eldoradocourt.org, in Fresno contact Fran Collins at fcollins@fresno.courts.ca.gov, in Santa Clara contact Jean Pennypacker at jpennypacker@scscourt.org, and in Yolo contact Kathlyn Lamoure at klamoure@yolocourts-ca.gov.*

A new policy should have a date on which it will commence, approved by the court's governance body. Bringing the members of the working group together at the end of the first day of implementation, and regularly for the next several days and then once or twice a week for the first month, provides an opportunity to identify "glitches" and work them out quickly. An early program failure can doom the effort.

**Paying continuing attention to the new process –
providing encouragement and reinforcement for
improvements and refining the process as needed to
increase its effectiveness**

It is not sufficient to institute a change. The leader must devote her or his continuing energies to ensuring that the improvements in family caseload management persist. Experience shows that as a leader diverts her or his primary attention to a new goal, thinking that family caseload problems have been solved, commitment to the new programs begins to waiver.

Practical means for maintaining attention to family caseload management include:

- posting the new policies on an Intranet web site where they are readily available to all judges and staff
- making regular reports on key family caseload management indicators, such as the total pending caseload of family cases and case subcategories, time to hearing for newly filed motions, time from filing to custody mediation, time from filing to action on defaults, and other locally chosen indicators, such as average number of appearances per case
- maintaining a large chart in the judges' conference room showing the trends for key indicators. A focus on decreasing the size of the pending caseload will likely engender more judicial support than an emphasis on the speed of disposition. However, the two objectives are inextricably interconnected.

Establishing accountability

A number of California courts have put in place effective mechanisms for ensuring that each judge and staff member becomes personally responsible for the success of the family caseflow management reforms. Examples of statistical reports useful for this purpose are found in Chapter 11.

In Los Angeles County, it is the responsibility of the Supervising Judge of the Family Division for ongoing monitoring of the performance of the family departments. It is also the Supervising Judge's job to evaluate under-performing judges. *For more information, contact Judge Robert Schnider, Supervising Judge, Family Law at rschnide@lasuperiorcourt.org.*

The judges in Solano County meet weekly to discuss their work. *For more information, contact Grace Andres at gandres@solanocourts.com.*

In Santa Clara County, all family law judges, commissioners, managers, clerk's office and family court services meet monthly to discuss concerns and develop solutions. *For more information, contact Judge Patrick E. Tondreau at ptondreau@scscourt.org.*

Putting in place permanent monitoring and reporting mechanisms that ensure that all participants continue to pay attention to the objectives of the modified process

Too frequently a court will meet with well-publicized success in improving its family case management performance. When observers return to the court five years later, most evidence of the reforms has

vanished and the court has returned to its prior ways, with its prior poor performance record. The ultimate task of the judicial leader is to leave behind a court whose judges and staff are so fully committed to the reforms that they consider them to be their own personal achievement, not the achievement of the judicial leader.

Los Angeles County is working with its internal IT staff to produce family case aging and disposition reports. *For more information, contact Margaret Little, Family Law Administrator, at mlittle@lasuperiorcourt.org or Mary Hearn, CMS Applications Support, at mhearn@lasuperiorcourt.org.*

In Orange County the court produces monthly workload, but not case aging, reports. *For more information, contact Amy Silva at asilva@occourts.org.*

The court in Fresno County is able to produce regular reports of the age of its family cases at disposition. *For more information, contact Pam Anderson at Panderson@fresno.courts.ca.gov.*

In Solano County, the court maintains data on the next date available for setting and on the number of cases pending before each judicial officer. *For more information, contact Grace Andres at gandres@solanocourts.com.*

4

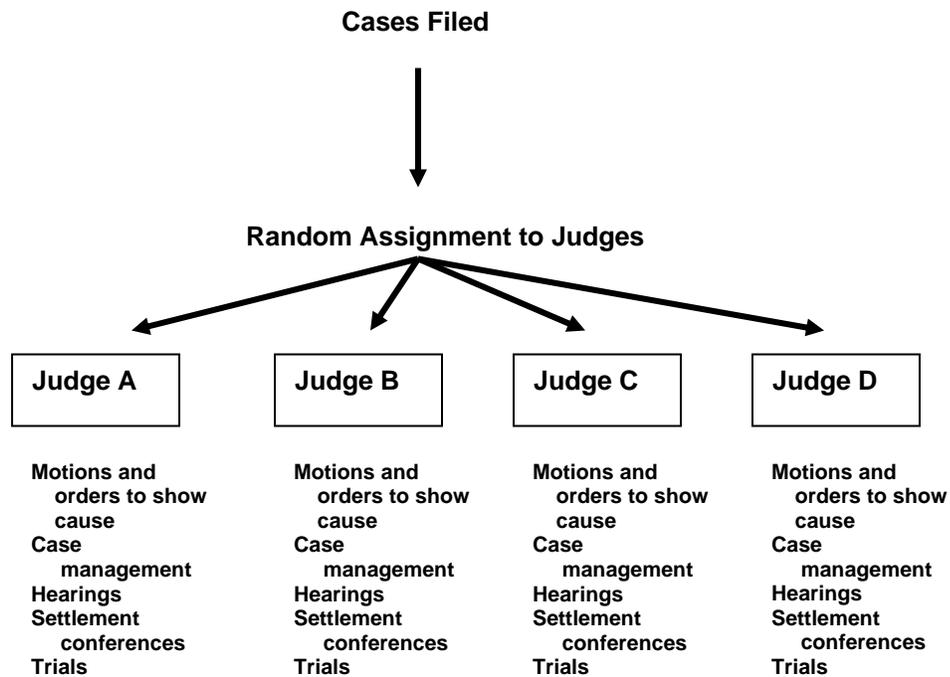
Alternative calendaring approaches for family cases

The principal approaches to calendaring family cases are the individual calendar system (often referred to in California as direct or vertical calendaring), the master calendaring system, and mixed or hybrid calendaring systems. Courts in some other states use a team calendaring process.

Direct or Vertical Calendar Process

In a direct or vertical calendaring process, cases are assigned as they are filed to a single judge for all purposes. Figure 1 is a graphical depiction of this model.

**Figure 1
Direct or Vertical Calendaring**



Note that the list of matters heard does not include ex parte domestic violence proceedings. In a “pure” vertical process, these matters would be the responsibility of the assigned judge. However, these proceedings are usually handled on a separate calendar assigned to one judge or rotated among the judges.

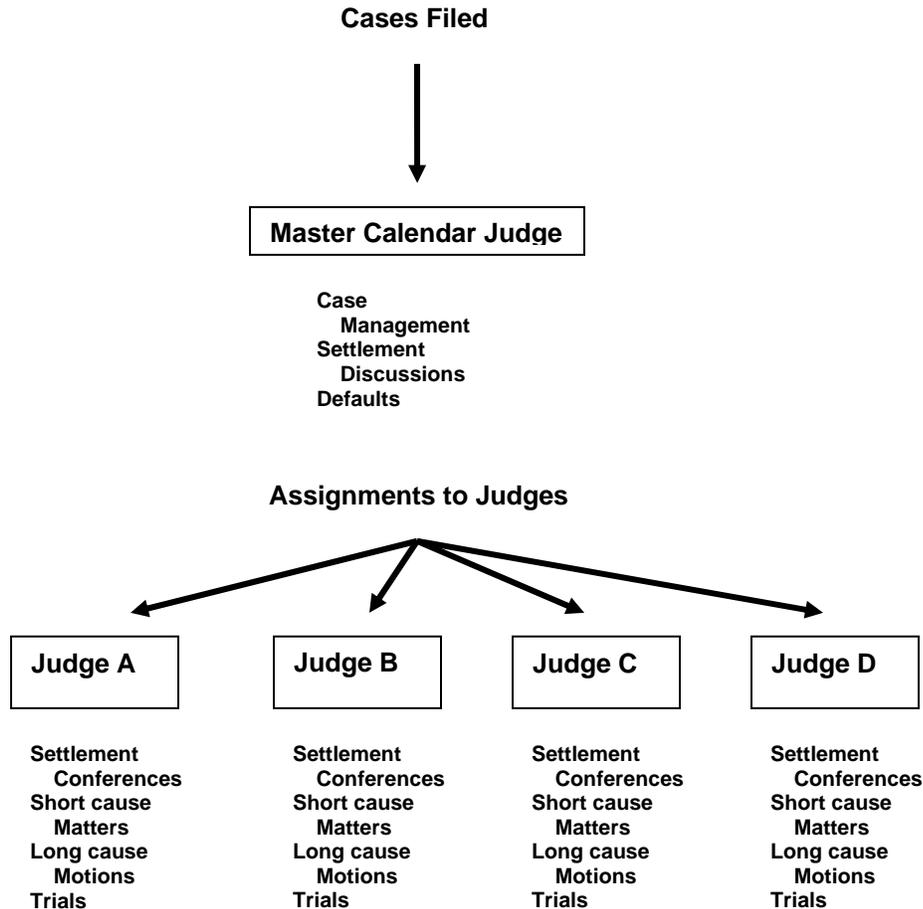
The major advantages of this calendar process are that it distributes the work evenly among all judges, provides clear accountability for the resolution of all cases, and allows a judge to follow a case from beginning to end, not having to re-educate him or herself for every hearing. Lawyers know that the decisions in the case will be consistent from motion practice through a trial. If they are familiar with the decisional patterns of the judges, they are able to predict case outcomes accurately for their clients. The disadvantages include the difficulty of accommodating the uncertainties of trial scheduling – the relative difficulty of transferring to another judge cases when a judge finds him or herself with multiple trials ready to proceed on the same day. When a judge has to try a complex case that lasts a week or more, what happens to the rest of that judge’s cases? A second disadvantage is the inability of the system to accommodate the strengths and weaknesses of individual judges by assigning them to

different types of proceedings or to different types of cases. One “underperforming” judge can have a significant affect on the performance of the court as a whole.

Master Calendar Process

In a master calendar process, preliminary and pretrial processes are handled centrally, with hearings and trials assigned out to other judges who handle only those proceedings. Figure 2 is a graphical representation of a typical master calendar system.

**Figure 2
Master Calendaring**



In the master calendar process, the master calendar judge is responsible for case management. The other judges are responsible for deciding substantive matters. Cases are originally set before the

master calendar judge, who ascertains their readiness for hearing or trial and assigns them out to available judges.

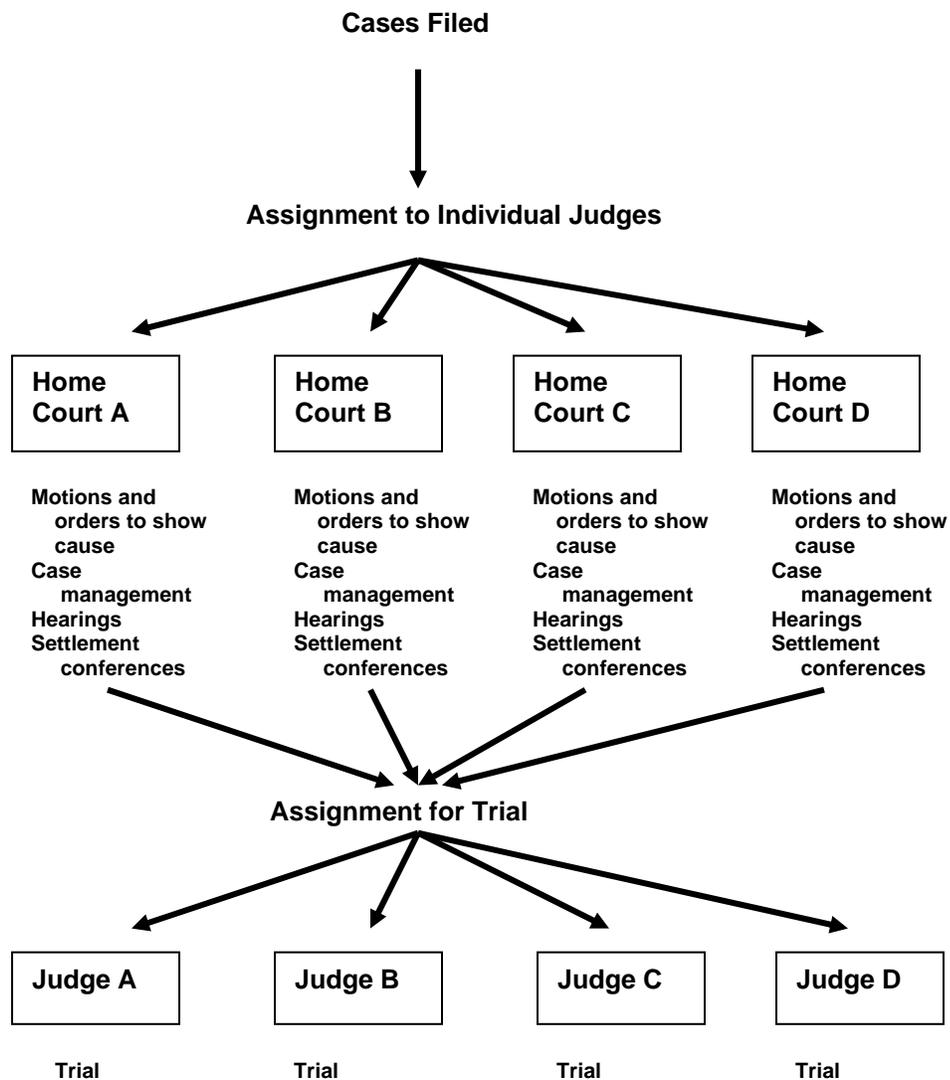
In some master calendar systems, the master calendar judge will act on all default and stipulated judgments and decide short cause motions. The master calendar judge is responsible for ensuring coordination of the work of family court services, family law facilitators, and the master calendar process.

The advantage of a master calendar is its ability to make the best possible use of all resources available to the court at any moment. If the master calendar judge is an effective case manager it will work effectively. The system allows the master calendar judge to assign cases according to the strengths and weaknesses, including the length of experience, of each judge. A disadvantage is that it produces disparate workloads among the judges. The work of the master calendar judge is unlike that of any other judge. Judges who resolve cases more quickly than others get assigned more work than their colleagues. Some lawyers dislike the uncertainty of not knowing the judge before whom the case will be tried prior to the morning of trial. Some lawyers dislike the inconsistency of rulings by multiple judges hearing different matters in the same case; others, however, relish the opportunity to file a petition to modify, hoping that s/he will be able to convince a different judge to reach a different result. There is some loss of judicial efficiency arising from the need for each judge to become familiar with the case when it is assigned to him or her for some purpose. The system is ineffective when the master calendar judge is not a capable case manager. No other judge is responsible for seeing that cases move with speed through the process.

Hybrid Calendar Process

The hybrid "process combines features of the other two. Cases are originally assigned to a judge for all purposes other than trial. For trial, they are distributed as in a master calendar process. Figure 3 shows the process graphically.

**Figure 3
Hybrid Calendaring**



Initial assignment to a single judge may be made randomly. However, it can also be done on the basis of geography or by the subject matter of the cases (with all of a particular type of case assigned to one judge because of that judge's expertise or the desire to have them all handled consistently).

The hybrid system combines some of the best features of the standard systems. A single judge is responsible and accountable for moving each case speedily to the point of trial and disposition. The lawyers

can count on that judge's consistent rulings on all pretrial matters. "Judge shopping" for temporary rulings is not possible. On the other hand, the judges are used as they are available for the conduct of trials. There is still some unevenness in work distribution arising from the trial assignments. And there will inevitably be more variances from the temporary orders to the final judgment than there would be in a fully vertical calendaring system.

Team Calendar Process

The team concept is used to address the major deficiencies of the pure vertical or direct calendaring system. The first problem is that arising from the inevitable "unevenness" in case scheduling – e.g., when a judge must devote a week or more to the trial of a single complex case and when a group of cases fail to settle, producing more trials than the judge can accommodate on a day or during a week. The second problem is the weak judge whose performance undermines the performance of the court as a whole.

In the team calendaring approach, a group of judges – usually three to five – work together as a team. They are usually physically co-located, although this is not essential. Generally the cases are assigned to the judges individually and they manage them for the most part as under a vertical or direct calendaring system. But the team as a whole is ultimately responsible for the disposition of all cases assigned to its members. Regular case management reports compare the performance of the court's teams and instill the concept of team accountability.

The judges and their staff stay in close communication with each other and when one judge finds her or himself in a bind, the judge or the judge's staff find another team member to take a trial or hearing. Over a group this large, the odds become very strong that when one judge encounters an "overload" day or week, one of the other members of the team will have an "underload." It is much easier to accommodate the inevitable unevenness of case scheduling among four judges than by one judge working alone.

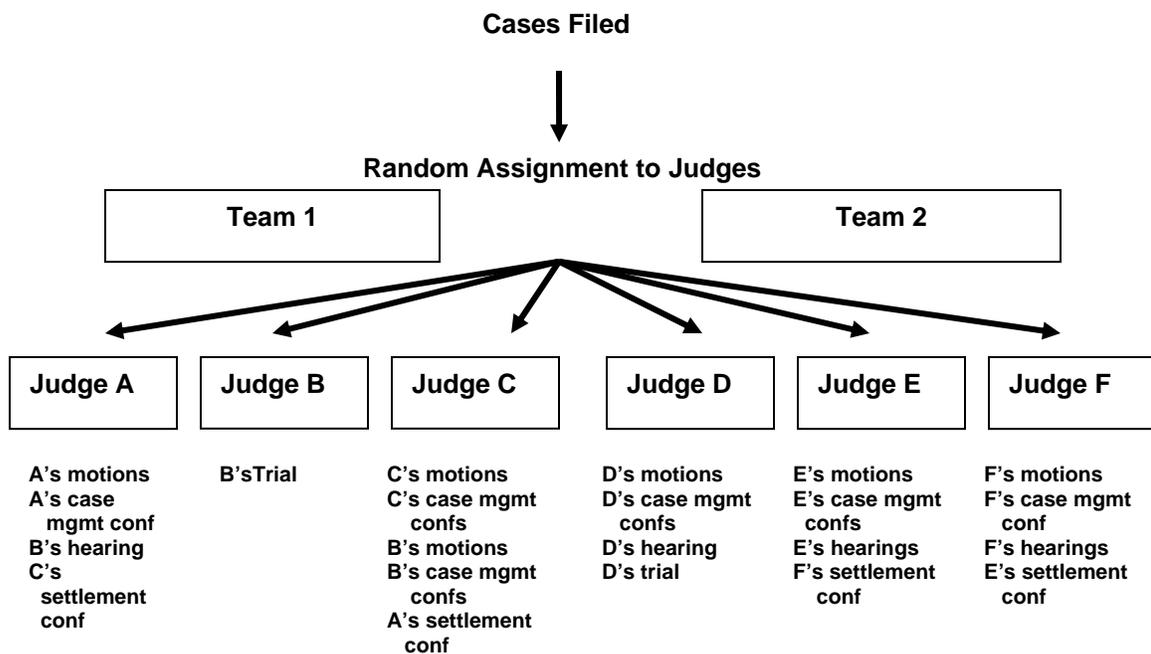
In effect, the team approach enables a large court to operate for all practical purposes as a number of smaller courts, with the increased efficiency of closely communicating small groups of judges and staff.

The team members may also trade off cases for settlement purposes. If Judge A is not able to obtain a quick settlement of a case, but has reason to think that settlement can be achieved with a little more effort, s/he may “hand off” the case to Judge B, C or D (with that judge’s consent). The parties may choose to communicate more candidly with the settlement judge because, if the matter is tried, the trial will take place before the original judge.

In some team systems, each team has a “team leader” who serves to some extent as a master calendar judge for the team, receiving reports of “overflow” cases from some judges and finding “underloaded” team members able to accept them. In other team systems, the team members interact with each others as peers, negotiating all reassignments with each other individually. Peer pressure generally operates to facilitate such peer arrangements.

A key factor in the team model is regular communication among the judges and staff. Team meetings occur weekly and the judges share with each other their upcoming calendars, review the status of their pending case lists, and review of substantive and procedural issues so that all team members align their decision making as closely as possible.

Figure 4 provides a snapshot of a day’s workload for two court teams.



In the graphic, Team 1 has had to do quite a bit of shuffling of cases to accommodate Judge B's long trial. Team 2 has not; two of its members have traded settlement conferences but they have otherwise not had to reassign cases for any purpose on this particular day.

The team model may be used by any vertical or direct calendaring court to ameliorate the deficiencies of that system. It is particularly useful in large courts. But a three to five judge family court can also use this approach by functioning as a single team. The only drawback to the team model is that it requires true collaboration among the judicial team members. The process can break down if the members of a team perceive that one of the judges is not a "team player" willing to take on additional work for the good of the team as a whole.

* * * * *

It is not necessary for a court to adopt one or the other of these models. Many successful courts use several different calendaring methods for different types of cases. Furthermore, they make regular adjustments or changes to their calendaring practices. The result is an effective calendaring system different in some details from any of these models.

It is important to reiterate the statement made in the overview: While research has shown that the vertical or direct calendar is, on average, associated with faster divorce case disposition, the same research showed no consistent relationship between disposition time and different calendaring systems. Some master calendar systems in the study were faster than some direct calendaring systems.¹¹ So, no calendaring system is inherently better than any other. Any calendaring system will work, if it is managed effectively. Without effective management, changing to a different calendaring system will not result in improved performance.

¹¹ See John Goerd, *Divorce Courts: Case Management Procedures, Case Characteristics, and the Pace of Litigation in 16 Urban Jurisdictions* (Williamsburg, Va.: National Center for State Courts 1992).

5

Special techniques to identify cases involving the same family and coordinate their processing

The wide array of potential underlying issues in family and child cases has become quite complex¹² and can require protracted planning involving social service interventions.¹³ According to the Judicial Council's 2000 Annual Report, domestic violence has been identified in 55 percent of child-custody mediation cases. Courts are dealing with cases involving allegations of child abuse, substance abuse, and other behavioral problems that can appear intractable.

Families often find that they have different issues handled in different courts by different judges with no communication among the courts.¹⁴ While lawyers will take steps to identify and consolidate or coordinate the cases in which their clients are involved, pro per litigants do not generally do so.

¹²Barbara Babb, "Substance Abuse, Families, and Unified Family Courts: The Creation of a Caring Justice System" (1999) 3 *J. Health Care L & Pol'y* 1; Pearson (1999); Jona Goldsmith, "The Pro Se Litigant's Struggle for Access to Justice" (2002) 40 *Fam. L.Q.* 36; Andrew Shepard, "Editorial Notes" (2002) 40 *Fam. L.Q.* 5.

¹³ Babb (1998) p. 31; See also Jeff Kuhn, "What We Have Learned" (1998) 32 *Fam. L.Q.* 67; Catherine Ross, "The Promise of a System of Unified Family Courts" (1998) 32 *Fam. L. Q.* 3.

¹⁴ *Ibid.* See also Hon. Donna M. Petre, "Unified Family Courts: A California Proposal Revisited" (1999) 1 *J. Center for Children & Cts.* 161.

Lack of court coordination and information-sharing, plus an overall inadequate allocation of resources to children and family cases, can lead to a myriad of problems for both the court and the families, including these common situations:

- Conflicting appearance schedules or requirements to appear too frequently, resulting in unnecessary scheduling of court time and resources;
- Some aspects of a dispute being adjudicated more than once by more than one court;
- Inadequate paperwork from pro per litigants and resulting continuances (or dismissals);
- Duplicative orders or referrals for a variety of social services;
- Critical information unavailable to judicial officers, thereby potentially interfering with their ability to make comprehensive, fully informed decisions;
- Lack of information about risk, resulting in family members and court staff safety being compromised;
- Inability of the court to track compliance with its orders;
- Long wait times and lack of responsiveness to parties;
- Conflicting orders issued by different judges in different departments;
- Inadequate training of court personnel for dealing with family and child development issues; and
- Failure to identify underlying issues such as substance abuse and domestic violence.

Steps some courts are taking to address these issues

The Unified Courts for Families Project provides funding to nine “mentor” courts to experiment with various ways of addressing these issues. The efforts of those courts are described below. However, a number of courts that are not part of the mentor court project also attempt to identify and jointly manage cases involving members of the same family.

The Alameda, Fresno, Humboldt and Stanislaus County courts search their case management systems at the time of filing to identify pending related cases and attempt to group them on one calendar before the same judge. In Alameda, the filing room clerk checks the case management system for related cases at the time of filing and relates or makes notes of those cases and takes them for reference to the department where the new case is scheduled. Related cases are not automatically consolidated; the judge has to order the cases consolidated. *For more information, in Alameda contact Tessie Maglasang at Tmaglasang@alameda.courts.ca.gov, in Fresno contact Pam Anderson at Panderson@fresno.courts.ca.gov, in Humboldt contact Jay Gerstein at jgerstein@humboldtcourt.ca.gov, and in Stanislaus contact Michael Tozzi at Michael.tozzi@stanct.org.*

In Calaveras County, court staff note on the cover of a case file any related cases. The files in those cases are gathered and follow the case at issue to the judge's bench. *For more information, contact Grant Barrett at gbarrett@calaveras.courts.ca.gov.*

In Humboldt, Los Angeles, Marin, Orange, Riverside, San Francisco, Solano, and Ventura Counties, a domestic violence case is considered a sub-case within a related family law case and heard by the judge to whom the family law case has been assigned. In San Mateo County, this policy extends to criminal domestic violence cases as well. *For more information, in Humboldt contact Jay Gerstein at jgerstein@humboldtcourt.ca.gov, in Los Angeles contact Mike Braverman, Administrator, at mbraverm@lasuperiorcourt.org, in Marin contact Gretchen Van Voorhis at Gretchen_vanvoorhis@marincourt.org, in Orange contact Amy Silva at asilva@occourts.org, in Riverside contact Judge Michele Levine at Michele.Levine@riverside.courts.ca.gov, in San Francisco contact Claire Williams at cwilliams@sftc.org, in San Mateo contact Bill Lowell at wlowell@sanmateocourt.org, in Solano contact Grace Andres at gandres@solanocourts.com, and in Ventura contact Sarah Waters at Sarah.waters@ventura.courts.ca.gov.*

In Fresno County, all cases are maintained on the same case management information for ease in searching for cases involving the same parties. Copies of orders are filed in the case files of every related case. *For more information, contact Pam Anderson at Panderson@fresno.courts.ca.gov.*

In Los Angeles and Orange Counties, related family cases are assigned to the judge with the oldest pending case. *For more information, in Los Angeles contact Mike Braverman, Administrator, at mbraverm@lasuperiorcourt.org, and in Orange contact Amy Silva at asilva@occourts.org.*

In San Francisco, staff check upon the filing of a new family law filing to determine whether a dependency case involving those parties was open within the past three years. If so, the family law case is assigned to the judge who heard or is hearing the dependency case. *For more information, contact Claire Williams at cwilliams@sftc.org.*

In Ventura County, the court follows the one file, one family approach. The judge at the time of a hearing discloses to the parties and counsel any information obtained from a different proceeding filed in the same case file. *For more information, contact Judge Manuel Covarrubias at Manuel.covarrubias@ventura.courts.ca.gov.*

The Unified Courts for Families Project – Mentor Courts

A unified family court is one that operates to coordinate multiple cases involving the same family. It also works to improve the way in which all cases involving children and families are managed by the court. Unified family courts seek to reduce the burden on the court in terms of courtroom time, paper volume, records maintenance, and information management; and increase the quality of justice for litigants by providing optimal relevant information to judicial officers,

reducing the number of court appearances, avoiding conflicting orders, facilitating linkage to appropriate social services, and effectively managing cases involving self-represented litigants. Critical to these goals is the management of information within the court as well as with related government and social service agencies.

The Center for Children, Families and the Courts' Unified Courts for Families project has established seven "mentor" courts in eight counties to implement and test ways of identifying cases involving members of the same family and coordinating court processing of related cases. The projects began in early 2003. The Center released an Interim Evaluation Report in June 2005.

The interim evaluation disclosed that all seven courts encountered unanticipated problems arising from:

- legal requirements that documents in some case files are confidential and that due process concerns may arise from the use of information from one case file in the decision of issues arising in a different case;
- delays in the creation of formal rules and protocols for sharing information among court units and other family law stakeholders; and
- delays arising from the need to work with other family law stakeholders.

The programs' initial successes appear to lie in the areas of:

- increased court-community collaboration;
- increased intra-court communication;
- a shift in judicial culture toward a more user-friendly model;
- changes in judicial decision making and case flow arising from more coordination and information sharing, including avoidance of conflicting orders;
- significant progress in the development and implementation of information sharing protocols;
- greater court awareness of the legal issues involved in information sharing; and
- the ability of the mentor courts to learn from each other.

What follows is a brief description of the approaches taken in each of the seven mentor courts.

Butte and Glenn Counties

The Butte/Glenn UCF Mentor Court program is unique because it involves collaboration between two counties. The two counties are contiguous, smaller, rural counties. Many residents live in Glenn County and work in Butte County, making the need for and benefits of collaboration significant for court users. The two-county collaboration model is beneficial to court operations because it utilizes one staff position to manage the program for both counties, allowing these counties to share court resources.

The courts hired a case manager for families with children and multiple cases. One of the original objectives of the project was to create "bundled reports" of information for judges on related cases and to coordinate services and court orders that families in both counties need to solve the problems that bring them into court.

While the Butte "bundled report" effort originally targeted all new domestic violence, juvenile drug court, family treatment court, and mental health court calendars, the program has limited its attention to domestic violence cases. When prior or pending juvenile, family or criminal cases were identified dealing with children of or parties to a new domestic violence case, court staff prepared a summary report of case plans, restraining orders, orders to show cause, custody and visitation orders, terms and conditions of probation, and any other relevant terms and conditions from those other cases. The report was placed in a confidential envelope in the case file for each case involving a family member. The project has found that searching the court management information system is a time-consuming process. It has also found that the "bundled reports" contain more information than the judge can use. Consequently, the court is experimenting with the use of electronic documents and a small group of judges to determine if there is a better way of providing access to the information on related cases.

The coordinated services project is available on a voluntary basis to family members involved in a dependency case plus at least one additional case involving other family members. If the family consents to participate, a family advocate coordination team (FACT) is convened to develop a treatment plan for the family. The case manager documents the plan and distributes it to all participants, including the

judges for all related cases. If all parties agree, the dependency judge may rule on matters in the other cases. Some criminal defense attorneys have provided feedback indicating that having criminal cases handled in this manner may create a fiscal issue because of the additional staffing costs they would incur if required to attend dependency court hearings.

Del Norte County

This rural county has experienced a sharp increase in population without a corresponding increase in the availability of professional services such as dentists, doctors, lawyers, mental health and substance abuse counselors, and other social services providers. The court's program consists of case management for families with multiple cases, coordination of "Wraparound services" for them, and creation of a self help center. The main focus has been the creation of a one family, one case manager model. A self help center has also opened.

The court screens all newly filed family law, delinquency, dependency, and probate guardianship filings to identify families with at least two open cases, children and other indications of high risk such as mental health, domestic violence, or drug use. Eligible parties are invited to join the Wraparound program. If they consent, their treatment needs are coordinated by the Wraparound case manager. Court staff then enters their case information (including the terms of existing orders) into an Microsoft Access program of UCF cases, and the court provides this information to the parties, treatment providers and to judges involved in all related cases. The parties have a right to challenge the accuracy or inclusion of data in the data base. Staff updates the database to include newly issued orders.

The court believes that the program has been particularly effective for high conflict cases, ensuring that family members are accessing more services than before the program began. The court also believes that the number of necessary court appearances appear to be reduced.

Los Angeles County

Los Angeles County's UCF Mentor Court program follows an information sharing model. Los Angeles is unique because it is the largest metropolitan area of the state with the highest volume of court users. Unification of the family, juvenile and probate guardianship courts is logistically challenging because physical court divisions are spread out in multiple court locations. An additional challenge is that there are separate case management databases for each case type.

Information is not linked or cross referenced across the different case management data bases.

The mentor court program is designed to coordinate four different types of cases – family law, including child support, juvenile dependency, juvenile delinquency, and probate guardianship cases. It does so by using a database named “The Children’s Index” and searching each of the data bases for cases involving the children who are the subject of a target case. Target cases include

- dependency court temporary and permanent restraining orders, which are sent to all courts with crossover cases;
- new juvenile delinquency filings, in which a copy of the children’s index identifies other related cases for the court file;
- dependency case exit orders, which are filed in all pending family law cases involving the same parties, as identified by the children’s name index; if no family law case is pending, a new family case is opened;
- dependency case exit orders and new family law filings, which are noted on the outside of all files of pending family law cases; a copy of the children’s index is placed in each case file;
- domestic violence cases are transferred to the dependency court upon the entry of a temporary restraining order by a family law judge, based upon the identification of the dependency case using the children’s name index.

When a judicial officer is informed of the existence of a related case, the judicial officer can complete a form requesting information about the case.

The Children’s Index now contains over 20,000 names of children who are involved in more than one case within the case types involved in the UCF Mentor Court Program.

The project has successfully created multiple protocols that improve the interactions among court divisions and departments.

Napa County

The Napa County court’s project goals included improving the coordination of related cases across different court case types for scheduling of case events, issuance of consistent orders, coordination of services, and better liaison with partner agencies. Napa has emerged as a UCF technology model through its uniform use of one

platform for all court divisions (Sustain), use of Crystal reports and the availability of imaged court documents.

For UCF eligibility criteria the court looked for the following “trigger cases”:

- juvenile dependency;
- juvenile delinquency;
- orders to show cause for modification of child custody and visitation;
- domestic violence, and
- probate guardianship petitions.

When any of these cases are filed, court staff search the court’s database for related family, delinquency, dependency, child support, paternity, guardianship, adoption, domestic violence and criminal cases in which a conviction has been entered. A family tree is constructed for each new case and used to conduct the search for related cases.

To better identify appropriate community services for families included in the unified family court, a grant-funded court resource specialist created NapaHelp.Info – a website on which all community agencies serving children and families are able to post and update information concerning their programs. The program is easily searchable to locate appropriate service providers, offers information in both English and Spanish, and provides maps to locate providers. The court is seeking to have the website sustained beyond the original grant period by delegating responsibility for its management to a community-based non-profit organization.

The court has developed a number of protocols for operation of the UCF program. The information collected in UCF cases is limited to that pertinent to child safety. The court has developed a coding system that identifies a case as a UCF case.

During the development of the UCF Mentor Court Program, the Napa County court has completed a separate project to image all pending and closed family case files. The court has also implemented a process to ensure that newly filed documents are placed into their case files within 24 hours.

Placer County

Placer County’s UCF Mentor Court program is unique because it is the only current UCF Mentor Court that will have a two year grant period. The court had previously worked on unification and coordination issues

through a court and community-based program for high conflict cases called STEP in which each family is assigned to a single social worker and a single judge. The court chose a one family, one case coordinator access to justice model for its program and is an information sharing and service referral model. Access to justice refers to its purpose to improve services to self represented litigants.

To be eligible for the program, a case must involve children in some way and have two or more active cases in either family law including child support, juvenile dependency or juvenile delinquency, criminal or probate guardianships. To identify eligible cases, the case coordinator reviews all newly filed domestic violence restraining orders from both the family and juvenile court. The coordinator searches for related cases in Placer County and, through CLETS, out of county criminal cases and restraining orders.

Once a case is identified as a UCF case, the coordinator creates a summary sheet containing information about the related cases and court orders and findings in them. The summary is placed in a confidential envelope attached to the case file. The case coordinator monitors the progress of all related cases, ensuring that there are no conflicting orders or decisions and attempting to coordinate hearing dates. The coordinator maintains a list of service providers and makes referrals.

San Joaquin County

The San Joaquin UCF Mentor Court program was unique in that it used a randomized experimental design. Some eligible families were assigned to the new program; they were referred to as "active" families. Others were not, and their cases are heard as if the new program did not exist; they were referred to as "static" families. The use of the experimental design was to ensure that useful data would be collected for evaluating the effectiveness of the unified family court program.

The San Joaquin court initially chose an information sharing and court-related services model, and ultimately modified it's plan to focus on the information sharing aspects of the program.

Eligible cases were identified through the filing of a domestic violence petition or by referral to the program by a judge, court staff or outside agency. To be eligible, a family case had to involve children and involve at least two active cases in the areas of family law, criminal domestic violence, juvenile dependency, juvenile delinquency, probate guardianship or adult drug court. If the family was identified as an active family, the participants were notified and requested to sign

appropriate waivers for consent to provide information to community service providers.

The case coordinator combined all of the related files into a “bundled case file” stored in a separate section of the court files. The file contains a family tree showing how the cases are related and tracks the following information:

- on criminal cases – minute orders, next hearing date, and conditions of probation;
- on juvenile dependency cases – case plan, minute orders, and other findings and orders; and
- on family cases – judgments and orders after hearing

In the program’s first year, almost all of the active families were involved in juvenile dependency cases. Cases added during the second year included a domestic violence restraining order and a dependency or criminal case.

Initially the case coordinator attended all hearings of all cases included in the program and provided detailed information on those proceedings to other judges involved in related cases. Ultimately, the model of having the coordinator attend all hearings proved unsatisfactory to the judicial officers and court administrators who indicated that research of related cases and other administrative functions would be a more productive function for the coordinator position.

The project is developing its own standalone database for tracking data on active and static families.

Yolo County

Yolo County was unique to the UCF Mentor Court program because it had operated as a UCF program, using a one family-one judge model, since 1997. One of the court’s two judges presides in family court; the other presides in juvenile court. If a family has a juvenile case, all other cases are coordinated and, to the extent possible, calendared with that case. If a family has a family law case and no juvenile case, all other cases are coordinated and, to the extent possible, calendared with that family case.

The UCF grant has enabled the court to make a number of refinements and improvements to its program. The court is now able to conduct research on all newly filed family and juvenile cases to identify and unify related cases. The court has developed a new mandatory form for use in filing family law and probate guardianship petitions and

responses. It identifies all appropriate and relevant family members and related cases. This form is kept in a confidential envelope with the case file.

The court staff prepare a "UniFile" – a yellow folder that is confidential that contains a summary sheet that lists all related cases and their disposition. It also contains a highly visible "Alert List" that documents any history of child abduction, probate guardianship, domestic violence restraining orders, criminal protective orders, child molestation, or abuse. It also contains copies of outstanding warrants for family members. The information in the UniFile is strictly limited to disposition information to ensure appropriate information sharing.

San Francisco County

In addition to the seven UCF Mentor Court Programs in the eight counties discussed above, grant funding was awarded to the Unified Family Court of San Francisco to enable them to expand their court unification and coordination efforts. Grant funds were used to hire a case manager who researched the existence of related cases.

6

Special techniques applicable to cases involving unrepresented litigants

Available data on the prevalence of self represented litigants in family law cases is set forth in Chapter 1, on page 17. The results of San Diego's study of the reasons why self represented litigants do not complete their cases appears on page 25. This data shows that while the rules of procedure were designed with the assumption that both parties in family law cases will be represented by counsel, that is the exception today in California rather than the rule. Further, the San Diego data shows that California courts cannot assume that self represented litigants will take the initiative to move their cases to completion.

The California courts are in the forefront of the nation in devising new approaches to family law litigation in recognition of this basic shift in the presence of lawyers in family cases. They have developed a myriad of approaches to ensure that these litigants are able to access the court system and to receive whatever remedy they are entitled to ,according to the facts and law of their cases.

Providing information and forms

The first basic need of self represented litigants is for information and the forms needed to bring their legal issue before the court.

The California Self Help Information website contains very complete information for self represented litigants concerning California law, procedure and forms. The websites of individual courts contain supplementary information about locally created forms, local rules and local procedural requirements.

All courts have family law facilitators to provide assistance to litigants in Title IVD cases, and in a broader set of cases if the court supplements the AB 1058 funding. Many courts have expanded their assistance programs to include family law information centers with computers for the completion of fillable forms and assistance from knowledgeable staff. Many courts provide workshops on various aspects of family law cases. Some of these workshops are held in the evening for the convenience of litigants. Some are provided on videotape so that they can be accessed at the litigant's convenience.

Alameda County provides an evening clinic once a week. The court also sponsors a judgment clinic staffed by volunteer attorneys in December so that litigants can obtain court judgments before the beginning of the year for income tax purposes. *For more information, contact Carole Raimondi at craimondi@alameda.courts.ca.gov.*

The court in Riverside County has many videos available to assist self represented litigants. *For more information, contact Larry Maloney at Larry.Maloney@riverside.courts.ca.gov.*

The Center for Families, Children and the Courts has videos for petitioners and respondents in domestic violence cases available in English and Spanish and many videos prepared by local courts setting forth the basics of divorce law and practice and how to handle a family law hearing. These materials are available to the courts at no charge. *For more information, contact Kevin Chew at Kevin.Chew@jud.ca.gov or Bonnie Hough at Bonnie.Hough@jud.ca.gov.*

Some courts have created mobile self help service centers to provide services in remote parts of the county.

Fresno, Santa Clara and Ventura Counties have Mobile Access Projects. In Yolo County, court staff travel to the Department of Child Support Services office in a low income housing area to provide assistance to litigants to save them the long commute to the courthouse. In Santa Clara County, the family law facilitator's office takes the court's CourtMobile to the DCSS office. *For more information, in Fresno contact Fran Collins at Fcollins@fresno.courts.ca.gov, in Santa Clara contact Leigh Parsons at lp Parsons@sccourt.org, in Ventura contact Joann Johnson at Joann.Johnson@ventura.courts.ca.gov, and in Yolo contact Kathlyn Lamoure at klamoure@yolocourts-ca.gov.*

Many courts enlist the assistance of volunteer lawyers and law students to supplement court staff resources.

The Fresno and Orange County courts have Self Represented Litigant calendars supported by law students from the local law school clinic, interpreters from the local interpreter certification program, volunteer lawyers, and court staff. Fresno uses volunteer Spanish interpreters to assist a heavily populated Spanish community. Fresno is just beginning the process of working with law student interns. *For more information, in Fresno contact Patty Wallace at pwallace@fresno.courts.ca.gov, and in Orange contact Amy Silva at asilva@occourts.org.*

In other courts, assistance for self represented litigants is provided through a collaboration with the legal services program.

The courts in Fresno, Los Angeles, Orange, and Riverside Counties have collaborative assistance programs with legal services. *For more information, in Fresno contact Fran Collins at Fcollins@fresno.courts.ca.gov, in Los Angeles contact Kathleen Dixon, Managing Attorney, at kdixon@lasuperiorcourt.org, in Orange contact Amy Silva at asilva@occourts.org, and in Riverside contact Judge Michele Levine at Michele.Levine@riverside.courts.ca.gov.*

Some counties encourage lawyers to offer unbundled legal services to self represented litigants, and encourage self represented litigants to take advantage of them.

The court in San Mateo County maintains a binder with information on local attorneys willing to provide unbundled legal services. *For more information, contact Bill Lowell at wlowell@sanmateocourt.org.*

The court in Ventura County lists unbundling as a resource in letters from the court explaining different ways to finalize cases. *For more information, contact Sarah Waters at Sarah.waters@ventura.courts.ca.gov.*

Providing assistance in reviewing proposed filings

Many courts supplement their AB 1058 funds to enable family law facilitators, document examiners, and the staff of family law information centers to review draft documents prepared by self represented litigants at the time they bring them to the court for filing. This review avoids litigant frustration arising from rejected filings. It also saves the time of court clerical staff and judges in setting and holding hearings that cannot proceed because the required paperwork has not been prepared properly.

The courts in Riverside and San Francisco Counties review draft documents prepared by self represented litigants at the time they bring them to the court for filing to identify and explain defects. *For more information, in Riverside contact Ron Hulbert at rhulbert@co.riverside.ca.us, and in San Francisco contact Claire Williams at cwilliams@sftc.org.*

Providing assistance in conjunction with court hearings

Many courts are providing services to self represented litigants at the time of their appearance for a court hearing to review their filings for completeness, to assist with settlement of issues in the case, to answer questions, to run child support calculations, to prepare filings that the litigants will need (such as Income and Expense Statements), to narrow issues for hearings, and to prepare stipulations and proposed orders.

The courts in Alameda, Butte, El Dorado, Fresno, Humboldt, Marin, Orange, Riverside, Sacramento, and Sonoma Counties conduct pro per calendars at which large numbers of court staff and volunteers appear to assist self represented litigants to settle their cases and to prepare necessary paperwork. *For more information, in Alameda contact Carole Raimondi at craimondi@alameda.courts.ca.gov, in Butte contact Judge William Patrick and Sharon Brislain at sbrislain@buttecourt.ca.gov, in El Dorado contact Jane Burton at jburton@eldoradocourt.org, in Fresno contact Fran Collins at fcollins@fresno.courts.ca.gov, in Humboldt contact Jay Gerstein at jgerstein@humboldtcourt.ca.gov, in Marin contact Diane Kallet at Diane_kallet@marincourt.org, in Orange contact Amy Silva at asilva@occourts.org, in Riverside contact Judge Michele Levine at Michele.Levine@riverside.courts.ca.gov, in Sacramento contact Judge Peter J. McBrien at mcbriep@saccourt.com, and in Sonoma contact Kathy Petit at kpetit@sonomacount.org.*

The courts in San Francisco and Sonoma Counties use court staff attorneys to mediate financial issues to assist self represented litigants to reach closure on their cases. The Sonoma County court refers litigants to the family law facilitator's office to mediate and/or assist litigants on issues related to child and spousal support, divorce, custody/visitation, parentage and health insurance. Family court services mediation is used for custody/visitation cases where mediation is mandatory. *For more information, in San Francisco contact Claire Williams at cwilliams@sftc.org, and in Sonoma contact Jessica Flores at jflores@sonomacourt.org.*

Within the courtroom, judges ensure that self represented litigants have an opportunity to present evidence and arguments in their cases, especially when the other side is represented by counsel.

The Center for Children, Families and the Courts is preparing a bench book for judicial officers on techniques for ensuring self represented litigant participation in hearings and trials while maintaining judicial impartiality. *For more information, contact Bonnie Hough at Bonnie.Hough@jud.ca.us.*

Preparation of order and judgment paperwork

Preparation of orders and judgments is traditionally part of the role of the attorney in a family law case. Many self represented litigants are incapable of performing this function. Repeated rejection of the documents they prepare is frustrating both for the litigants and for the courts.

Most courts recognize the importance of preparing a domestic violence restraining order before the petitioner leaves the courthouse; they have developed some process to complete those documents. But it is just as important that other family law orders – such as custody and visitation order – be prepared. If an order after hearing is not prepared, the work done in the courtroom may go for naught.

Litigants and judges quickly forget the details of the judge's oral order issued from the bench; if an order is prepared well after the time of the hearing, the judge may need a transcript of the hearing to verify the order's contents. When self represented litigants leave the courtroom without an order, they have nothing to guide their compliance and nothing to enforce.

Consequently, many courts have developed a procedure for helping self represented litigants prepare necessary orders and judgments.

In Santa Clara and Ventura Counties, family court services mediators prepare stipulated orders in cases in which the parties reach agreement. *For more information, in Santa Clara contact Lilly Grenz at LGrenz@scscourt.org, or in Ventura contact Scott Jones at Scott.jones@ventura.courts.ca.gov.*

In Calaveras, El Dorado, Inyo, Kern, Marin, Riverside, Sacramento, San Diego, San Francisco, San Mateo, Santa Clara, Solano, Tulare, and Ventura Counties the family law facilitator or self help center prepares judgments for self represented litigants. In Yolo County, the Unified Family Court attorney's office performs this function. *For more information, in Calaveras contact Grant Barrett at gbarrett@calaveras.courts.ca.gov, in El Dorado contact Jane Burton at jbarton@eldoradocourt.org, in Inyo contact Charles Schneider at chuckbishop@usamedia.tv, in Kern contact Karen Houle at Karen.Houle@kern.courts.ca.gov, in Marin contact Judith Beck at Judith_beck@marincourt.org, in Riverside contact Larry Maloney at Larry.Maloney@riverside.courts.ca.gov, in Sacramento contact Lollie Roberts at robertsl@saccourt.com, in San Diego contact Frances Harrison at frances.harrison@sdcourt.ca.gov, in San Francisco contact Claire Williams at cwilliams@sftc.org, in San Mateo contact Bill Lowell at wlowell@sanmateocourt.org, in Santa Clara contact Soriba Soroosh at fsoroosh@scscourt.org, in Solano contact Grace Andres at gandres@solanocourts.com, in Tulare contact Carla Khal at ckhal@tulare.courts.ca.gov, in Ventura contact Joann Johnson at Joann.Johnson@ventura.courts.ca.gov, and in Yolo contact Peter Sapunor, Family Law Facilitator, at psapunor@yolocourt-ca.gov.*

In Alameda and Los Angeles Counties, volunteer attorneys prepare judgments for self represented litigants. *For more information, in Alameda contact Carole Raimondi at craimondi@alameda.courts.ca.gov, and in Los Angeles contact Kathleen Dixon, Managing Attorney, at kdixon@lasuperiorcourt.org.*

In Los Angeles, JusticeCorps student interns attend short cause proceedings and prepare resulting orders and judgments. *For more information, contact Kathleen Dixon, Managing Attorney, at kdixon@lasuperiorcourt.org.*

In Tulare County, community volunteers assist the court by reviewing all proposed judgments. *For more information, contact Michelle Hineman at mhineman@tulare.courts.ca.*

In Orange, San Mateo, and Santa Clara Counties, court clerical staff prepare orders in domestic violence cases. *For more information, in Orange contact Pam Hernandez at pfernandez@occourts.org, in San Mateo contact Bill Lowell at wlowell@sanmateocourt.org, and in Santa Clara contact Judge Mary Ann Grilli at mgrilli@scscourt.org.*

In Alameda County, the family law facilitator office clerks draft temporary domestic violence and other restraining orders based on the application. They then draft the restraining order after hearing based on the temporary order. The restraining order after hearing is finalized after the hearing by the courtroom clerk. *For more information, contact Tessie Maglasang at Tmaglasang@alameda.courts.ca.gov.*

In Orange County, court clerical staff prepare all orders in cases involving two self represented litigants. The court finds that the time required is less than that required to review documents prepared by litigants and to notify them of defects. *For more information, contact Pam Hernandez at pfernandez@occourts.org.*

In Butte, El Dorado, and Tulare Counties, court staff provide workshops or clinics on judgment preparation. *For more information, in Butte contact Suzanne Morlock at smorlock@buttecourt.ca.gov, in El Dorado contact Jane Burton at jburton@eldoradocourt.org, and in Tulare contact Carla Khal at ckhal@tulare.courts.ca.gov.*

In Fresno County the court has revised its minute entry form so that it is legally sufficient as an order. At the judge's direction, the minute entry will be used as the court order. *For more information, contact Fran Collins at Fcollins@fresno.courts.ca.gov.*

Post order clinics

Some courts direct litigants to the family law facilitator's office to obtain a thorough explanation of the court's order or judgment. These courts hope that a more thorough understanding of the court order will lead to better compliance and fewer subsequent petitions to enforce or modify judgments and orders.

In San Francisco County, the court has a program to encourage the participation of non-custodial spouses in child support cases in order to increase the rate of payment of child support as ordered. *For more information, contact Kristen Hoadley at khoadley@sftc.org.*

The courts in Nevada and San Francisco Counties ensure that self represented litigants meet with the family law facilitator to go over the court's order to ensure that they understand its terms and requirements. *For more information, in Nevada contact Gretchen Serrata at Gretchen.serrata@nevadacountycourts.com and in San Francisco contact Claire Williams at cwilliams@sftc.org.*

Monitoring pro per cases to ensure that they are staying on track for timely resolution

In other contexts involving self represented litigants, courts have learned that they must see that self represented litigants take the steps necessary to move their cases forward. Even though they are legally responsible for initiating case activity in accordance with court rules, as a practical matter pro pers are frequently incapable of doing so. Refer to the San Diego study reported in Chapter 1 which found that over 60% of self represented litigants had not moved their case to completion because they did not know they were supposed to or lacking information on how to do so.

In Alameda County, the court sets a preliminary status conference in every dissolution, annulment, legal separation, or Uniform Parentage Act case in which a response or answer is filed or the respondent has appeared and the preliminary declaration or disclosure and the At Issue Memorandum have been filed. *For more information, contact Tessie Maglasang at Tmaglasang@alameda.courts.ca.gov.*

In Calaveras County, the court, upon filing the petition, sets all family cases for a case management hearing 120 days after filing. The family law and motion judge, court staff, a party or counsel may also request a case management conference. *For more information, contact Grant Barrett at gbarrett@calaveras.courts.ca.gov.*

In San Diego County, the court sets a case classification conference 150 days after filing of dissolution, legal separation, nullity and paternity cases. Every case is assigned to a procedural "track" at that time. The court ensures that cases adhere to the assigned schedule. *For more information, contact Judge William Howatt at william.howatt@sdcourt.ca.gov.*

In San Mateo County, the court sets a status conference 120 days after the filing of a response. The court requires each party to file a written statement prior to the conference. The bench officer assigned to the case conducts the conference. *For more information, contact Bill Lowell at wlowell@sanmateocourt.org.*

In Santa Clara County, the court sets a case management conference after a response is filed in a family law or parentage action. At the conference, the court decides how issues relating to custody, property and support will be resolved. If the parties are in agreement, the court can refer them to the family law facilitator's office for preparation of the stipulated judgment/order. The court continues the case from time to time on the case management conference calendar until the case is set for trial or otherwise resolved. *For more information, contact Mary Macquire at mmacquire@scscourt.org.*

In Stanislaus County, the court sets a status conference 5 to 7 months after the filing of a response in all dissolution and paternity cases. *For more information, contact Michael Tozzi at Michael.tozzi@stanct.org.*

In Tulare County, the court sets a case management conference 60 days after the filing of a response. Commissioners conduct the conferences. *For more information, contact Commissioner Brett R. Alldredge at balldredge@tulare.courts.ca.gov.*

In Ventura County, the court's Checkpoint Program involves a case review conference conducted by a case management attorney sitting as a pro tempore judge 120 days after filing. The parties file a family law status report. The pro tempore judge reviews the status report and ascertains the progress of the case. *For more information, contact Jeanne Flaherty at Jeanne.Flaherty@ventura.courts.ca.gov.*

7

Domestic violence

Court processes for handling petitions for domestic violence restraining orders are governed by the Domestic Violence Prevention Act. Practices that courts have found particularly helpful in implementing the Act are set forth in this chapter.

Assisting petitioners and respondents in preparing forms

In many communities, the courts can rely on domestic violence advocacy groups to assist petitioners in completing forms and to accompany them in the courtroom for hearings. Spanish and other language forms and instructions are available for both petitioners and respondents.

In Alameda County, the Families & Children's Bureau's Family Violence Team case managers provide calendar preparation for the judicial officers and morning of court hearing services to both petitioners and respondents on domestic violence calendars. *For more information, contact Ruthanne Allen at rallen@alameda.courts.ca.gov.*

In Orange and Santa Clara Counties, Victim/Witness program staff assist domestic violence victims in completing DV forms necessary to obtain DV restraining orders. *For more information, in Orange contact Amy Silva at asilva@occourts.org, and in Santa Clara contact Judge Mary Ann Grilli at mgrilli@scscourt.org.*

If assistance is provided in the courthouse, the court must be certain that assistance is also available to respondents in domestic violence cases. If advocate groups are not willing to provide services to them, court staff can be made available so that both sides have equal access to the court in these cases.

In Santa Clara County, court staff, interpreters, community resource volunteers, and First 5 care managers are present to assist litigants on the domestic violence, with children, specialized calendars. *For more information, contact Judge Mary Ann Grilli at mgrilli@scscourt.org.*

Obtaining necessary information needed by the court in ruling on a petition

Section 6306 of the Family Code calls for the court to obtain background information on prior violent and serious felony convictions, certain misdemeanor convictions, outstanding warrants, parole or probation status, and prior domestic violence restraining orders and violations of such orders concerning the subject of the proposed order. The court is to conduct searches of specified data bases, on its own initiative, prior to hearing a domestic violence petition. Although the statute applies only in those counties identified by the Judicial Council as having the resources to conduct such searches, and the Council has

not identified any such counties, a number of courts have established procedures to obtain this information.

In Alameda, El Dorado, one region of Kern, Marin, Orange, Riverside, San Mateo, Santa Clara, Solano, and Tulare Counties, court staff obtain required background information from CLETS and from the court's own data bases. *For more information, in Alameda contact Ruthanne Allen at rallen@alameda.courts.ca.gov, in El Dorado contact Mary Ann Valles at mvalles@eldoradocourt.org, in Kern contact Jennifer Brown at Jennifer.Brown@kern.courts.ca.gov, in Marin contact Cheri Brannon at Cheri_brannon@marincourt.org, in Orange contact Amy Silva at asilva@occourts.org, in Riverside contact Judge Michele Levine at Michele.Levine@riverside.courts.ca.gov, in San Mateo contact Bill Lowell at wlowell@sanmateocourt.org, in Santa Clara contact Judge Mary Ann Grilli at mgrilli@scscourt.org. in Solano contact Grace Andres at gandres@solanocourts.com, and in Tulare contact Patricia Foster at pfoster@tulare.courts.ca.gov.*

In El Dorado County, court staff also obtain reports from the Women's Center, from Child Protective Services, and from the District Attorney's Office. *For more information, contact Louise Urch at lurch@eldoradocourt.org.*

Rule 5.500 requires California courts issuing orders involving custody and visitation to determine whether there are outstanding criminal protective orders concerning the subject of the proposed order. The purposes of the rule include having the family judge know of the existence and terms of a criminal protective order, avoiding the issuance of conflicting orders, and providing a means for the family judge to communicate with the criminal judge if any changes in the terms of the criminal protective order are indicated.

The courts in Alameda, Kern, Orange, San Diego, San Francisco, Santa Clara, and Ventura Counties have established Rule 5.500 intra-court communication protocols. *For more information, in Alameda contact Liz Dunn contact at ldunn@alameda.courts.ca.gov, in Kern contact Jennifer Brown at Jennifer.Brown@kern.courts.ca.gov, in Orange contact Amy Silva at asilva@occourts.org, in San Diego contact Shawn Gleeson at shawn.gleeson@sdcourt.ca.gov, in San Francisco contact Claire Williams at cwilliams@sftc.org, in Santa Clara contact Judge Mary Ann Grilli at mgrilli@scscourt.org, and in Ventura contact Tonna Brodie at Tonna.Brodie@ventura.courts.ca.gov.*

Ensuring the availability of interpreter services in domestic violence hearings

Staff and judicial officers need to ensure that interpreters are available for litigants who need them.

The AOC provides grants to courts for interpreters in domestic violence matters. *For more information, contact Jenny Tang at Jenny.Tang@jud.ca.gov.*

Mediation for domestic violence cases involving children

Mandatory mediation is applicable to custody and visitation disputes arising in domestic violence cases. However, domestic violence creates an imbalance in the relationship which may make a face to face mediation process wholly inappropriate. Family court services programs have created special procedures for these cases, as required by law.

In Ventura County, emergency mediation appointments are reserved for domestic violence cases involving children so that mediations can occur on the same day as the hearing. *For more information, contact Scott Jones at Scott.jones@ventura.courts.ca.gov.*

In San Mateo, Santa Clara, Solano, and Tulare Counties, family court services mediators have a protocol in place for these situations. The parties are placed in separate rooms. They do not communicate directly. The mediator communicates offers and counter-offers between the parties. *For more information, in San Mateo contact Bill Lowell at wlowell@sanmateocourt.org, in Santa Clara contact Lilly Grenz at LGrenz@scscourt.org, in Solano contact Grace Andres at gandres@solanocourts.com, and in Tulare contact Patricia Foster at pfoster@tulare.courts.ca.gov.*

Producing an order before the parties leave the courthouse

It is essential that the petitioner, and ideally both parties, be able to leave the courthouse with a signed copy of a restraining order after the hearing. Courts use various methods to produce those orders.

In Los Angeles and Stanislaus Counties, court clerks prepare orders after hearing, obtain the judge's signature, and provide the parties with copies before they leave the courthouse. In Santa Clara County, the family law facilitator's office prepares all orders after hearing with the exception of orders appointing an attorney for a minor child or an early neutral evaluation attorney, which are prepared by the courtroom clerk. *For more information, in Los Angeles contact Mike Braverman, Administrator, at mbraverm@lasuperiorcourt.org, in Santa Clara contact Fariba Soroosh at fsoroosh@sct.co.santa-clara.ca.us, and in Stanislaus contact Michael Tozzi at Michael.tozzi@stanct.org.*

In San Francisco County, judicial externs from local law schools prepare restraining orders after hearing while the parties wait in the courtroom. *For more information, contact Claire Williams at cwilliams@sftc.org.*

In Riverside County, the permanent order is prepared at the time of the temporary order and placed in the court file for completion at the time of the permanent hearing. *For more information, contact Judge Michele Levine at Michele.Levine@riverside.courts.ca.gov.*

In Solano County, the court is beta testing the FACCTS software to enable automated creation of the order in the courtroom. *For more information, contact Grace Andres at gandres@solanocourts.com.*

In Tulare County, community volunteers attend hearings to assist the court and self represented litigants by preparing Orders After Hearing in the courtroom. In all cases with at least one attorney, by local practice, an order after hearing is prepared and filed before the case leaves the courtroom. *For more information, contact Patricia Foster at pfoster@tulare.courts.ca.gov.*

In San Diego, the court has a memorandum of understanding with the volunteer lawyer program and other community based legal assistance programs to provide on site assistance for the purpose of completing paperwork in domestic violence cases. *For more information, contact Shawn Gleeson at shawn.gleeson@sdcourt.ca.gov.*

Providing for the safety for domestic violence victims

Some domestic violence victims risk their personal safety by coming to a public place like a courthouse where they can be confronted by their

abusers. A number of courts have taken special steps to provide for their safety.

In Los Angeles, Riverside, San Diego, and Santa Clara Counties, the district attorney, city attorney, local domestic violence agency, or attorneys provide off site programs where victims can fax temporary restraining order applications to the court and receive signed copies by return fax without having to travel to, or appear in, the courthouse.

For more information, in Los Angeles contact Mike Braverman, Administrator, at mbraverm@lasuperiorcourt.org, in San Diego contact Shawn Gleeson at shawn.gleeson@sdcourt.ca.gov, in Riverside contact Judge Elisabeth Sichel at E.Sichel@riverside.courts.ca.gov, and in Santa Clara contact Judge Mary Ann Grilli at mgrilli@scscourt.org.

In Fresno and Santa Clara Counties, the courts will entertain domestic violence petitions without requiring the appearance of the requester.

For more information, in Fresno contact Fran Collins at fcollins@fresno.courts.ca.gov, and in Santa Clara contact Judge Mary Ann Grilli at mgrilli@scscourt.org.

In Contra Costa and Riverside Counties, the courts give the person protected by a restraining order the option of appearing at a mandatory child custody mediation by videoconference.

For more information, in Contra Costa contact Martha Rosenberg at MROSE@sc.co.contra-costa.ca.us, and in Riverside contact Judge Elisabeth Sichel at E.Sichel@riverside.courts.ca.gov.

In San Francisco, the bailiff will restrain the respondent from leaving the courtroom for 10 to 15 minutes following conclusion of a hearing to allow the protected party adequate time to leave the courthouse safely. *For more information, contact Claire Williams at cwilliams@sftc.org.*

Ensuring that restraining order information is entered into CLETS

Protection for the domestic violence victim is not complete until a restraining order is entered into CLETS. Some courts take responsibility for delivering the restraining order to the sheriff, relieving the protected person of this burden and ensuring that it reaches the sheriff for service and entry into CLETS.

In Riverside County, the court enters orders into CLETS. *For more information, contact Brenda Haliburton at Brenda.Haliburton@riverside.courts.ca.gov.*

In Santa Clara, Solano, and Yolo Counties, the court faxes orders to the law enforcement agency where the victim resides for entry into CLETS. *For more information, in Santa Clara contact Judge Mary Ann Grilli at mgrilli@scscourt.org, in Solano contact Grace Andres at gandres@solanocourts.com, and in Yolo contact Kathlyn Lamoure at klamoure@yolocourts.com.*

In San Diego County, the court has a pilot program for scanning orders, dismissals, continuances, and proofs of service for electronic transmission to the Sheriff's Office. *For more information, contact Shawn Gleeson at shawn.gleeson@sdcourt.ca.gov.*

In Butte, Fresno, Los Angeles, Sacramento, San Mateo and Tulare Counties, the court delivers orders to the Sheriff's Office for entry into CLETS. *For more information, in Butte contact Judge William Patrick and Sharon Brislain, Court Operation Supervisor, at sbrislain@buttecourt.ca.gov, in Fresno contact Fran Collins at fcollins@fresno.courts.ca.gov, in Los Angeles contact Mike Braverman, Administrator, at mbraverm@lasuperiorcourt.org, in Sacramento contact Julie Setzer at setzerj@saccourt.com, in San Mateo contact Bill Lowell at wlowell@sanmateocourt.org, and in Tulare contact Michelle Hineman at mhineman@tulare.courts.ca.gov.*

Developing innovative programs to reduce the incidence of domestic violence

A number of California courts have instituted programs to intervene in the cycle of domestic violence. Their objective is primarily to protect the victims of violence. To the extent that they succeed, they also reduce the filing of new cases to enforce or extend existing restraining orders.

In Orange County, the court has a Domestic Violence Prevention Service Project that provides assessment, treatment and increased judicial oversight of compliance with treatment obligations. *For more information, contact Cathy Harmon at charmon@occourts.org.*

San Francisco's SafeStart Family Services Coordinator provides referrals to community programs for children affected by family violence and monitors compliance with judicial orders for the court. *For more information, contact Claire Williams at cwilliams@sftc.org.*

In Santa Clara County, a First 5 grant enables a local agency to provide a care manager who attends all domestic violence court hearings conducted by the specialized domestic violence department and arranges parenting skills programs, supervised visitation, and other programs appropriate to a particular case. The care manager also monitors compliance with the court's treatment orders. *For more information, contact Judge Mary Ann Grilli at mgrilli@scscourt.org.*

Maintaining judicial sensitivity to the power imbalance arising from a history of domestic violence in a relationship

Judges must keep in mind that the same imbalance of power leading to the creation of special mediation protocols exists in the courtroom when the abuser and victim appear jointly, with or without counsel. Judges need to be prepared to ensure the safety of the domestic violence victim and the victim's ability to communicate freely to the judge in these circumstances.

Judges must also remain alert to the possibility that stipulated settlements may also be tainted by this same power imbalance and check to determine whether there has been a history of domestic violence in the relationship in reviewing settlements submitted for court approval.

8

Child abuse

Allegations of child abuse add a different and disturbing dimension to a family law proceeding. Courts invariably take these allegations seriously and act in all ways to protect the interests of the children involved.

Most courts immediately contact Child Protective Services in these situations.

In Butte County, the judge makes the report to Child Protective Services. *For more information, contact Andrea Nelson at anelson@buttecourt.ca.gov.*

Many custody mediators hold professional licenses that make them mandatory reporters of child abuse. If so, they are obligated to make

reports to Child Protective Services whenever they become aware of reportable information.

In Kern County, the court will appoint minor's counsel to investigate an allegation of child abuse, may contact agencies, schools, health care providers and other witnesses for information, and will order family court services to investigate more complex cases. *For more information, contact Karen Houle at Karen.Houle@kern.courts.ca.gov.*

In Alameda and San Diego Counties, the court may suspend mediation of a case pending the outcome of a Child Protective Services investigation. In Santa Clara County, the court may suspend the entire case for this purpose. *For more information, in Alameda contact Trish Kaplan at pkaplan@alameda.courts.ca.gov, in San Diego contact Patricia Chavez- Fallon at Patricia.Chavez-Fallon@sdcourt.ca.gov, and in Santa Clara contact Lilly Grenz at LGrenz@scscourt.org.*

Most courts also have standing arrangements with Child Protective Services concerning emergency interviews, emergency child placements, and disclosure of agency information concerning past or ongoing investigations.

In Ventura and Yolo Counties, Child Protective Services staff are available to conduct immediate assessments in the event of an emergency. *For more information, in Ventura contact Scott Jones at Scott.jones@ventura.courts.ca.gov, and in Yolo contact Kathlyn Lamoure at klamoure@yolocourts-ca.gov.*

In El Dorado County, Child Protective Services will attend hearings at the court's request. *For more information, contact Commissioner Greg Dwyer at gdwyer@eldoradocourt.org.*

In Santa Clara County, the court has a procedure for emergency placement in the children's shelter if the child is in immediate danger and cannot be returned home. *For more information, contact Lilly Grenz at LGrenz@scscourt.org*

In Alameda, Fresno, Marin, Riverside, San Francisco, San Mateo, Santa Clara, Solano, and Ventura Counties, the court has a protocol, standing order, or local rule worked out with Child Protective Services regarding the disclosure of information by the agency concerning its prior contacts with the parties to the alleged abuse. *For more information, in Alameda contact Liz Dunn at ldunn@alameda.courts.ca.gov, in Fresno contact Lou Dawson at Ldawson@fresno.courts.ca.gov, in Marin contact Leo Terbieten at Leo_terbieten@marincourt.org, in Riverside contact Judge Becky Dugan at Becky.Dugan@riverside.courts.ca.gov, in San Francisco contact Claire Williams at cwilliams@sftc.org, in San Mateo contact Bill Lowell at wlowell@sanmateocourt.org, in Santa Clara contact Lilly Grenz at LGrenz@scscourt.org, in Solano contact Grace Andres at gandres@solanocourts.com, and in Ventura contact Scott Jones at Scott.jones@ventura.courts.ca.gov.*

In Fresno, Orange and Riverside Counties, the courts have a Child Protective Services supervisor named as liaison to the court for the exchange of information about child abuse cases. *For more information, in Fresno contact Lou Dawson at Ldawson@fresno.courts.ca.gov, in Orange contact Cathy Harmon at charmon@occourts.org, and in Riverside contact Judge Becky Dugan at Becky.Dugan@riverside.courts.ca.gov.*

In Los Angeles, Sacramento, and Santa Clara Counties, Child Protective Services has stationed a full time staff person, with a terminal capable of accessing the agency's data base, in the courthouse to maximize the exchange of information. *For more information, in Los Angeles contact Mary Morahan at mmorahan@lasuperiorcourt.org, in Sacramento contact Judge Peter J. McBrien at mcbriep@saccourt.com, and in Santa Clara contact Lilly Grenz at LGrenz@scscourt.org.*

9

Sources of additional court resources

Throughout the nation and throughout California, family courts do not have the resources required to meet the needs of the families coming before them. Effective courts do not let this fact prevent them from finding more efficient ways to use the resources at their disposal. But they also seek alternative sources of additional resources to apply to these cases.

The recent National Center for State Courts report *Trust and Confidence in the California Courts 2005* recommended that California invest more resources in family, juvenile and traffic courts to raise public satisfaction with the performance of these court units.

California has been very effective in using federal child support enforcement funding to create both hearing commissioner positions and family law facilitator positions to augment their existing resources. Many courts supplement the funds for these positions so that their commissioners and facilitators can handle non-IVD cases.

➤ Use of judges pro tempore

As noted throughout this manual, many courts use staff attorneys or volunteer lawyers to serve as judges pro tempore. While this mechanism has served as a critically important way to supplement existing judicial resources, it is not an adequate or appropriate response. The use of lawyers as pro tempore judges for the purpose of settlement conferences is altogether consistent with long established practices. Using them to conduct hearings in lieu of

qualified and trained judges and commissioners does not serve the public interest.

➤ **Redirection of internal resources to family cases**

A number of courts have redirected internal resources from other court needs to the family department.

Many courts supplement AB 1058 funds so that their commissioners and family law facilitators can assist the court in deciding the full range of family cases. *For more information, contact Deborah Chase at Deborah.Chase@jud.ca.us.*

In Alameda County, the court assigned an additional judge to family cases in 2003. *For more information, contact Judge Yolanda Northridge at ynorthridge@alameda.courts.ca.gov.*

➤ **Obtaining staff resources from external sources**

Many courts have been able to enlist the aid of public and private entities to assign staff to perform services in the courthouse.

In Alameda County, the court obtains assistance from community based organizations for advocates to assist in handling specialized calendars such as domestic violence and elder protection. *For more information, contact Susan Hanks at shanks@alameda.courts.ca.gov.*

In Los Angeles County, Child Protective Services stations a full time staff person in the courthouse to serve as liaison with case workers and to obtain up to date information for court personnel needed for hearings and decisions. *For more information, contact Mary Morahan at mmorahan@lasuperiorcourt.org.*

The Barristers Program of the Los Angeles County Bar Association maintains staff in several courthouses to assist litigants with domestic violence filings. *For more information, contact Patricia Andreani, Directing Attorney, at pandreani@lacba.org.*

In Solano County, the local women's shelter (SafeQuest), the Vacaville Police Department, and the Solano County Office of Family Violence Prevention provide assistance in completing paperwork in domestic violence cases and provide support in the courtroom when needed. *For more information, contact Grace Andres at gandres@solanocourts.com.*

The Department of Consumer Affairs in Los Angeles funds four full-time, full-service Self Help Legal Assistance Centers in district courthouses. *For more information, contact Kathleen Dixon, Managing Attorney, at kdixon@lasuperiorcourt.org.*

In San Francisco County, the County Bar Association donates a full time staff person to the court's Family Law Self Help Center. *For more information, contact Claire Williams at cwilliams@sftc.org.*

In Solano County, local public and community agencies provide domestic violence advocates, supervised visitation, library services and dissemination of information at no cost to the court. *For more information, contact Grace Andres at gandres@solanocourts.com.*

➤ **Obtaining public and private grants for special projects**

Most courts take advantage of state funded grant programs administered by the Administrative Office of the Courts, including the Partnership Grant program administered through the state bar. Many courts have found other sources of support for needed programs that they cannot fund with resources available from state appropriations.

In Fresno County, the court has obtained a grant from the State Bar Foundation for ICAN and website development in multiple languages. *For more information, contact Patty Wallace at pwallace@fresno.courts.ca.gov.*

In Fresno County, the local Junior League and local businesses furnished and decorated a Children's Waiting Room for Family Court Services. *For more information, contact Lou Dawson at Ldawson@fresno.courts.ca.gov.*

In Fresno County, the Department of Children & Family Services has funded a Dependency Mediation Pilot program. *For more information, contact Lou Dawson at Ldawson@fresno.courts.ca.gov.*

In Calaveras County, the court has partnered with the local Human Resources Council to create a Kleps Award winning community legal assistance center. *For more information, contact Grant Barrett at gbarrett@calaveras.courts.ca.gov.*

In the West Slope court in El Dorado County, a local church provides a supervised visitation program called Child Connect. The South Lake Tahoe court uses its CASA (Court Assistance Special Advocates) or the local social services department to provide supervised visitation. *For more information, for the West Slope contact Rosalie Tucker at rtucker@eldoradocourt.org or for the South Lake Tahoe court contact Mary Ann Valles at mvalles@eldoradocourt.org.*

The Los Angeles County court uses Americorps funds to provide 100 Justicecorps student interns who work in self help centers and legal services programs. *For more information, contact Kathleen Dixon, Managing Attorney, at kdixon@lasuperiorcourt.org.*

In Marin County, the Legal Self Help Center receives funding from the state, the county, a number of foundations and corporate and private donors. *For more information, contact Kim Turner at Kim_turner@marincourt.org.*

In Sacramento County, the Family Law Section of the Sacramento County Bar Association has established a non-profit corporation named the Sacramento Children's fund to collect funds from training programs provided to minor's counsel and from lawyer donations. The funds are distributed to needy children identified by lawyers serving as minor's counsel. *For more information, contact Judge Charles C. Kobayashi at kobayac@saccourt.com.*

In San Diego County, a private foundation has supported production of a video for parents involved in custody mediation as well as video equipment needed to present it. *For more information, Patricia Chavez- Fallon at Patricia.Chavez-Fallon@sdcourt.ca.gov,*

In San Mateo County, the court has obtained a "First 5" grant to conduct a study of the limitations of the system of care for persons with children seeking a divorce. In Santa Clara County, "First 5" grant funds are used to fund staff positions for the family drug court, to create a Supplemental Services Fund to provide needed services up to \$750 per family for eligible families, to provide "care managers" through a local community-based organization in various court facilities, and to provide a psycho-educational group program for children and parents in high conflict cases. *For more information, in San Mateo contact Bill Lowell at wlowell@sanmateocourt.org, and in Santa Clara contact Lilly Grenz at LGrenz@scscourt.org.*

In Santa Clara County, the Health Trust Foundation (created from the sale of county hospitals) funds a portion of a Treatment Court position. *For more information, contact Lilly Grenz at LGrenz@scscourt.org.*

The Santa Clara County court has obtained a multi-county, multi-year federal grant from the Department of Justice Violence Against Women Act Office to develop safety procedures for supervised visitation providers and for the court in cases involving children and domestic violence. *For more information, contact Lilly Grenz at LGrenz@scscourt.org.*

10

Making the family assignment more attractive

The low status of the family law assignment within California courts contributes to the problems of effective family caseload management. Judges seek other assignments as soon as they are able to rotate out of family law. Family law then becomes the typical assignment for the newest, least experienced judges. And the judges assigned view their tenure in the family court as limited, reducing their sense of personal investment in the improvement of the family case processing system.

The pattern is reinforced by the attitudes of a judge's personal staff that often encourage the judge to move out of a family law assignment because they do not enjoy the daily involvement with self represented litigants.

Some courts have taken steps to reverse this process and to encourage experienced judges to take and remain in a family law assignment.

Ensuring equitable workloads for family law judges

In some courts, the workload of family law judges is higher than in other court assignments.

In Alameda, Los Angeles, Orange and San Diego Counties, the court has added judicial officers to the family court to reduce the size of family law calendars. *For more information, in Alameda contact Judge Yolanda Northridge at ynorthridge@alameda.courts.ca.gov, in Los Angeles contact Judge Robert Schnider, Supervising Judge, Family Law at rschnide@lasuperiorcourt.org, in Orange contact Judge Francisco Firmat at ffirmat@occourts.org, and in San Diego contact Judge William Howatt at william.howatt@sdcourt.ca.gov.*

In Los Angeles County, the court removed default and stipulated judgments from the courtrooms to provide more time for hearings and trials. *For more information, contact Mike Braverman, Administrator, at mbraverm@lasuperiorcourt.org or Cecile Manalo-Lopez, Administrator, at cmlopez@lasuperiorcourt.org.*

Setting an example

When leadership judges remain in the family law assignment, they set an example for more junior judges. The longer judges remain in the family law assignment, the more capable they become in family caseload management.

In Butte County, the supervising family law judge sets the example by remaining in the assignment. *For more information, contact Judge William Patrick at wpatrick@buttecourt.ca.gov.*

Improving the environment in family court

Improvements in the efficiency of family caseload management can create a reinforcing cycle. As the assignment becomes less chaotic, the assignment becomes more manageable and more rewarding for the judges and staff.

In Calaveras County, the court has demanded a higher level of performance from the family court bar by requiring more comprehensive pleadings in a timely manner. It has transformed the "family law culture" to become more rewarding for practitioner and judge alike. *For more information, contact Grant Barrett at gbarrett@calaveras.courts.ca.gov.*

Recruiting lawyers from the family law practice to serve on the family law bench

Some judges come from a family law practice with the expectation of serving on the family law bench. Judges with a family law background are more comfortable with family cases and more conversant with the law applicable to them.

In Fresno, Los Angeles, Orange, Solano, and Ventura Counties, more judges with prior experience in family law are being appointed to the bench, with these judges desiring extended family law assignments. *For more information, in Los Angeles contact Judge Robert Schnider, Supervising Judge, Family Law at rschnide@lasuperiorcourt.org, in Orange contact Judge Francisco Firmat at ffirmat@occourts.org, in Solano contact Grace Andres at gandres@solanocourts.com, and in Ventura contact Judge Manuel Covarrubias at Manuel.covarrubias@ventura.courts.ca.gov.*

Recruiting judges to serve on the family law bench

Some family law supervising judges have been successful in recruiting new and experienced judicial colleagues to the family bench, by emphasizing the importance of the position, the opportunity to contribute to the community, and the satisfaction from that contribution.

In San Francisco, the supervising family judge has been successful in recruiting new judges to the assignment, followed by mentoring and training before beginning the assignment. *For more information, contact Katherine Feinstein at kfeinstein@sftc.org.*

In San Diego, the supervising family judge has been successful in encouraging former family law judges to return for additional rotations in family court. *For more information, contact Judge William Howatt at william.howatt@sdcourt.ca.gov.*

Providing increased incentives for family court service

Perhaps there are additional incentives that could be provided to family law judges to improve the attractiveness of the assignment. Examples might include:

- Preference in their next assignment as a reward for service on the family bench;
- Opportunities for additional education and training in family law and family case resolution techniques;
- Additional support staff (such as research attorneys, case managers, and family law self-help attorneys);
- Recognition from the Presiding Judge regarding the importance of their work; and
- Recognition from the local family law bar.

11

Effective use of court data to manage family cases and meet family case disposition goals

Having accurate and complete family case data is essential for effective family caseload management. This section discusses the sources of data and provides examples of various types of reports that judges and court administrators need.

The tables provided in this chapter are not populated with data. They serve merely as examples of how caseload data might be displayed for use by judges and court staff.

Sources of family case data

Judges and court administrators obtain most of their court data from their automated case management information system (CMIS). Caseload data is produced from a CMIS as a byproduct of clerks' entry of basic information used to maintain an accurate and complete record of the history of each family case. Very few data fields exist in these systems solely for the purpose of assisting administrators to understand caseload issues. Information often exists in court databases merely as text, which makes it – for all practical purposes – inaccessible as data that the computer can read and compile.

All CMIS systems have report writing functionality. Some systems have more flexibility than others – allowing court staff to design their own customized reports in addition to the standard reports delivered with the application. Although most CMIS systems provide a great deal of useful caseflow data, judges and administrators have very little capability to expand the data and data reports produced by their current systems.

An example where many current case management systems encounter difficulty tracking cases adequately is in the overlap of family, juvenile, probate, and criminal cases. A judge needs to know of the existence of other pending, and, in some instances, closed cases involving members of the same family in order to deal effectively with the issues in the case before him or her. One approach would be for the CMIS to maintain information on all persons who are family members of a party. Courts are not permitted in most states to collect such information, e.g., the names of children of a criminal defendant. An alternative approach would be for the CMIS to build an index of related persons and create links to cases involving any of them. It is extremely difficult for most current case management information systems to accommodate this level of complexity.

The California AOC is currently working with the courts throughout the state to design, develop and deploy a new generation of case management information systems – the California Case Management System. Version 4 of the CCMS will address the needs of family and juvenile case types. The AOC team is not only attempting to identify all information needed by judges and court administrators today for effective caseflow management; it is also attempting to build into the next generation systems an enhanced degree of flexibility to support additional data gathering and report writing requirements.

For the time being, however, courts are restricted by the CMIS they currently have. It would not be wise to invest significant funds in reprogramming existing applications when the new CCMS V4 application will become available to all courts within a couple of years.

Courts have always been able to supplement their automated systems with manual data gathering. Using simple data collection forms (three example are set forth below), a court can gather, report and analyze data that is not included within its CMIS application. Most courts have limited capabilities to gather data manually because of the burden imposed on court staff. Therefore, manual data collection is reserved

The most fundamental data is filings, dispositions and pending caseload. Table 1 shows this information for different categories of family cases.

Table 1

Annual Filings, Dispositions and Pending Cases										
	Total	Dissolutions, Separations and Nullities		Establish Parental Relationship	DV Prevention		DCSS	DCSS UIFSA	Adoptions	Other
		With Minor Children	Without Minor Children		With Minor Children	Without Minor Children				
Beginning pending										
Filings										
Dispositions										
End pending										

A court's clearance rate compares its dispositions and filings (dividing dispositions by filings). The Judicial Council's Court Statistics Reports use a measure of dispositions per 100 filings as the official clearance rate calculation. A clearance rate of 100 shows that the court is resolving as many cases as are being filed. So long as the clearance rate is 100 or greater, the court is not building a backlog of pending cases.

Table 2 would be used to compare the court's clearance rate for all family cases with the statewide rate over the last four years.

Table 2

Clearance Rate Trend Data for All Family Cases				
	2000 -2001	2001-2002	2002-2003	2003-2004
Filings				
Dispositions				
Dispositions per 100 filings				
Statewide clearance rate				

Table 3 could be used to show the clearance rates for particular categories of family cases. It also shows the clearance rate trends for each case type over the past four years.

Table 3

Clearance Rate by CaseType – Current and Trend Data						
	Filings	Dispositions	Dispositions per 100 filings	2002-03	2001-02	2000-01
Dissolution with Minor Children						
Dissolution without Minor Children						
Legal Separation with Minor Children						
Legal Separation without Minor Children						
Nullity with Minor Children						
Nullity without Minor Children						
Establish Parental Relationship						
DV Prevention with Minor Children						
DV Prevention without Minor Children						
DCSS Complaint re Parental Obligations						
DCSS - UIFSA						
Adoption						
Other Family Law						
Total						

The court also needs to know how the cases are being resolved – by default, stipulation, dismissal, or court order. Table 4 shows that data. Note that the categories used do not correspond to the JBSIS disposition categories, which do not distinguish default and stipulation dispositions from other grounds for entry of judgment.

Note that the category “stipulation” has been subdivided into multiple subcategories. Many cases are technically resolved by agreement of the parties after numerous court hearings and pendente lite orders. To treat that situation the same as a stipulation reached without court intervention would not further the court’s understanding of its own processes. Consequently, the court will need to differentiate “stipulations” into a variety of distinct subcategories. The subcategories suggested in Table 4 are illustrative of the sort of analysis a court might wish. Courts using the table should refine the subcategories to meet their individual needs and situations.

Table 4

Dispositions by Method of Disposition										
	Total	Dissolutions, Separations and Nullities		Establish Parental Relationship	DV Prevention		DCSS	DCSS UIFSA	Adoptions	Other
		With Minor Children	Without Minor Children		With Minor Children	Without Minor Children				
Default										
Stipulation without court intervention										
Stipulation following FCS mediation										
Stipulation following FLF mediation										
Stipulation following volunteer lawyer settlement conference										
Stipulation following judicial settlement conference										
Dismissal by party										
Dismissal for failure to prosecute										
Dismissal by court										
Court order										
Other										

Table 5 shows the stage at which a case was resolved. The categories used here again differ from those used by JBSIS.

Table 5

Dispositions by Stage of Case at Which Disposed										
	Total	Dissolutions, Separations and Nullities		Establish Parental Relationship	DV Prevention		DCSS	DCSS UIFSA	Adoptions	Other
		With Minor Children	Without Minor Children		With Minor Children	Without Minor Children				
By default or stipulation without court appearance										
At initial court appearance										
Following FSC custody mediation										
Following volunteer lawyer settlement conference										
Following FLF mediation										
Following judicial settlement conference										
By judicial order										

Differentiation of initial and reopened cases

The court needs to be able to differentiate reopened cases – petitions for enforcement or modification of existing court orders – from new petitions to end a relationship or establish paternity. The needs of these two types of matters are very different and the process that the cases should follow differ accordingly. Most existing California family case management systems do not adequately track this distinction. Remedying this defect should be a high priority for the CCMS Family Law module.

Time to disposition data

Time to disposition data measures how quickly or slowly a court disposes of its family cases. The Judicial Branch Statistical Information Standards do not include any case aging data for family law cases and no such data is reported in the Judicial Council's Annual Statistical Report. However, it is critical for each court to have and use this information for its own family case management purposes.

The first critical issue is the period being measured. Are you measuring from the date of filing, from the date of service, from date of first appearance, or from date of first request for judicial intervention? There are legitimate reasons to warrant choosing any one of these dates: Measuring from date of filing captures the complete time the court has been aware of the case. However, the date of service is the first time the court can exercise its jurisdiction over the respondent. Using the date of first appearance might be used by a court that proactively summons the parties to court some time after the filing of the petition. However, use of this date will introduce court to court disparities depending upon the date at which the initial appearance occurs. Using the date of first request for judicial intervention measures the court's responsiveness to a party's initiative – how quickly the court disposes of a case once the parties have invoked its active involvement.

Most states and courts use the date of filing as the commencement of its time to disposition data. In California, a dissolution petition can be served on the respondent before it is filed with the court. And the court will not know the date of service until proof of service is filed, which can be well after the date of service. These constitute additional reasons in California to measure disposition time from the date of filing of a petition.

To know how quickly the court disposes of family cases, we generally look at the median, average, or adjusted average time to disposition. Median disposition time is the time required to dispose of the first half of the cases decided during a given time period. This is a very stable statistic and is the time measure favored by the federal court system in its statistical reporting. Median disposition times are invariably shorter than average or adjusted average times. Median disposition time data sheds light only on the court's performance with respect to the easiest one half of its work. It ignores how the court handles the hardest, longest cases.

Average time to disposition is the total number of days required to dispose of all the cases in the category being analyzed divided by the number of cases. Average disposition times are inordinately influenced by the longest cases. The existence of one or two very long cases can change the average disposition time by ten or twenty days, frequently producing a distorted picture of the court's performance during a particular time period.

An "adjusted average" removes the outlying values in computing the average, using statistical techniques to identify the outliers – those numbers that are extremely uncharacteristic of the data as a whole. Adjusted averages produce a more stable statistic – one not influenced by the longest cases unless the court has many of them. It is theoretically the best single measure of disposition time data, but requires some statistical sophistication on the part of the court's data analysts.

Table 6 could be used to display either median, average, or adjusted average disposition time data. Note that the table does not include a median time for all family cases combined; such a number has little meaning because the time required for disposition of different types of family cases is so different – e.g., dissolutions with children and domestic violence prevention cases.

Table 6
Median Time to Disposition by Case Category

	1999-00	2000-01	2001-02	2002-03	2003-04
Dissolution with Minor Children					
Dissolution without Minor Children					
Legal Separation with Minor Children					
Legal Separation without Minor Children					
Nullity with Minor Children					
Nullity without Minor Children					
Establish Parental Relationship					
DV Prevention with Minor Children					
DV Prevention without Minor Children					
DCSS Complaint re Parental Obligations					
DCSS - UIFSA					
Adoption					
Other Family Law					

Three other often used time-to-disposition statistics are the time required to dispose of the 75th percentile, 90th percentile, or 95th percentile of all cases of a particular case category. Like the median, these statistics measure the time required to dispose of a percentage

of the court's workload. The median disregards the hardest half of all cases. These measures disregard the hardest quarter, ten percent, or five percent, respectively, of the court's cases.

The Judicial Council Court Statistics Reports report time to disposition data in civil and criminal cases in yet a different fashion – the percentage of cases disposed of within the stated time standard for each case category. Table 7 is an example of a report for that form of data display. Note that the report deals separately with newly filed and reopened cases.

Table 7

Percentage of Cases Disposed within Court Time to Disposition Standard							
	Dissolutions, legal separations and nullities			Enforcement and modification of existing judgment, not including child support enforcement		Establish paternity	
	Within 180 days	Within 365 days	Within 730 days	Within 120 days	Within 480 days	Within 90 days	Within 180 days
Court standard	50%	90%	100%	90%	100%	90%	100%
Court performance in 2003-04	54%	85%	99%	65%	98%	46%	74%

These time-to-disposition statistics set forth the court's overall performance in resolving cases. In order to complete cases within an overall time frame, the court needs to perform specific tasks within their own time standards. Table 8 displays court performance on a series of possible internal processing indicators for contested dissolution cases involving children.

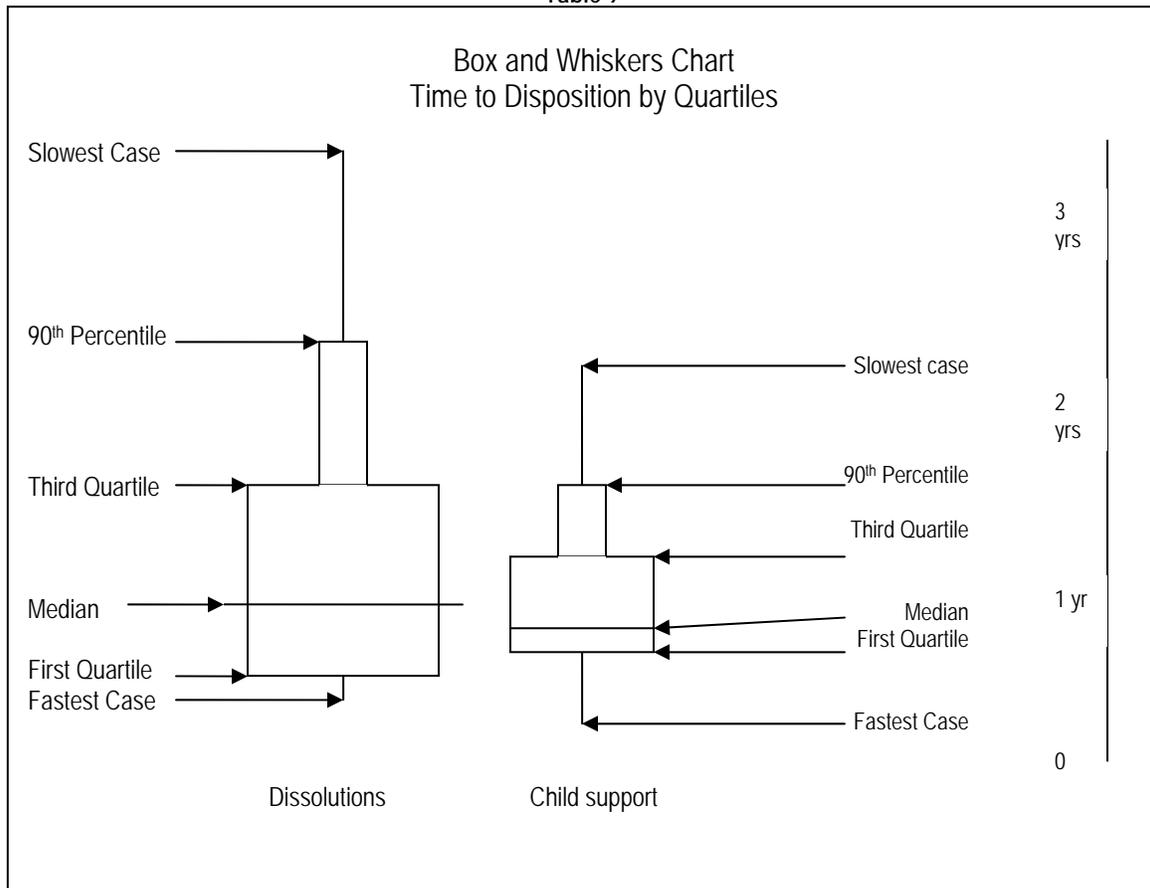
Table 8

Disposition of Contested Dissolution Cases with Children by Stage of Case					
	Initial Status Conference	Mandatory mediation	Settlement conference	Pretrial conference	Trial
Court goal	Within 120 days of filing	Within 180 days of filing	Within 240 days of filing	Within 270 days of filing	Within 365 days of filing
Performance in July 2005	100%	89%	94%	88%	75%

No single time to disposition measure will give the court a complete picture of the timeliness of its case processing. Multiple measures

provide the variety of perspectives needed to fully understand how timely the court disposes of its cases. Table 9, on the next page, is a “box and whiskers” chart designed to depict graphically the timeliness of the court’s disposition of the various segments of its caseload, from fastest to slowest. The chart shows pictorially how long it takes the court to decide the fastest one quarter (first quartile) of its cases, the fastest half (median), the fastest three quarters (third quartile), fastest 90%, and the longest case. The charts for dissolutions and child support show graphically the difference between these case types. The longer the top “whisker” on the box and whisker chart, the more likely the longest cases will be statistical outliers. The advantage of this depiction is that the court sees more fully the “flow” of its cases.

Table 9



The same information is provided in table form in Table 10.

Table 10

Average Time to Disposition by Qualities								
	Dissolutions, legal separations and nullities without children	Dissolutions, legal separations and nullities with children	Paternity	DV without children	DV with children	DSCC	Adoption	Other
First Quartile								
Second Quartile								
Third Quartile								
90 per cent								
Longest Case								

Many courts have traditionally been unwilling to collect and report case disposition or time to disposition data by judge, for fear that it will embarrass one or more of the judges, particularly if it becomes public knowledge. However, effective caseload management requires accountability of all parties, including individual trial judges. Table 11 is an example of the sort of report that could be used to show each judge’s performance in handling contested dissolution cases.

Table 11

Average Time from Filing to Disposition of Dissolutions by Judge First six months of 2005								
	Number of cases	Number of defaults	Number of settlements/ stipulations	% within 240 days of filing	Number of trials	% within 365 days of filing	Total dispositions	% within 365 days of filing
Judge A								
Judge B								
Judge C								
Judge D								
Judge E								

If a court were operating a “pure” master calendar, time to disposition data reported by judge would have little meaning or value. The judge who tried the case or entered the sentence played no role in moving the case from filing to disposition. The only meaningful data for that court would be the performance of the court as a whole.

When a judge newly assigned to the family law bench inherits an existing caseload in a department, that judge is not responsible for the currency of the department’s workload and it will be months before

would be fair to consider the caseload to be “his” or “hers” for purposes of accountability. On the other hand, it is important for the court to know the status of the work within each department, whether the incumbent judge is new or of long tenure in the assignment.

Consequently, the court should consider very carefully what it wishes to understand by producing judge-specific or department-specific data. Although some California courts have been producing this type of data for decades and have not attracted any adverse publicity for the court or for individual judges, the court may also wish to consider the local press and political climate as a factor in deciding what reports to produce.

Another way to view time to disposition is for the court to define the disposition time periods for which it desires information. Table 12 displays the data for various time periods that a court might wish to track.

Table 12

Average Time to Disposition by Case Type								
	Dissolutions, legal separations and nullities without children	Dissolutions, legal separations and nullities with children	Paternity	DV without children	DV with children	DSCC	Adoption	Other
0 to 2 months								
2+ to 4 months								
4+ to 6 months								
6+ to 12 months								
Over 1 year								

Table 13 displays the same data by judge.

Table 13

Average Time to Disposition for All Dissolution, Legal Separation and Nullity Cases by Judge					
	Judge A	Judge B	Judge C	Judge D	Judge E
0 – 2 months					
2+ – 4 months					
4+ – 6 months					
6+ – 12 months					
Over one year					

Time to disposition is not the only, or the best way to measure the currency of the court's work. After all, time to disposition data only measures the age of the cases that the court has completed. How old are the cases that remain on the court's docket? Table 14 is called a "case aging" report and reports the age, by time category, of the court's pending family cases.

Table 14

Age, in days, of Active Pending Family Cases from Date of Filing									
	0 – 90 days	91 – 150 days	151 – 180 days	181 – 365 days	366 – 455 days	456 – 545 days	Over 545 days	Totals	% of Totals
Judge A									
Judge B									
Judge C									
Judge D									

Basic case monitoring reports

Judicial staff generally use raw case data, not summary statistical data, to monitor the progress of specific cases.

Table 15 is an example of a standard report that a judge might get at the end of every week or every two weeks showing the age and status of every case pending on her or his docket. Courts with master calendar systems would not report this data by judge. Judges and staff responsible for the master calendar would review the data on all family cases pending before the court – but for the same purpose of identifying those cases in need of immediate attention.

Table 15

Case Monitoring							
Case Name	Case #	Date Filed	Date of Initial Status Conference	Date of Mediation	Date of Settlement Conference	Trial Date Set	Current Age
A v. A							
B v. B							
C v. C							
D v. D							
E v. E							

Data gathering for detailed analyses or problem solving

General case management data and time to disposition data will disclose the existence of a problem with the management of family cases. It will not, however, pinpoint the cause of the problem. And, when the cause is identified, it will not monitor progress in solving that particular problem. The following reports are examples of specialized reports designed to focus on specific family caseflow management problems.

Tables 16 and 17 would initially be used to determine how many continuances the judges are granting and how many separate hearings or appearances they are holding in the course of a family case. If problems are identified in either area, the same reports can be used to influence future judicial behavior – to reduce the number of continuances granted and the number of appearances per case, respectively.

Table 16

Number of Continuances Granted												
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Judge A												
Judge B												
Judge C												
Judge D												
Judge E												

Table 17

Average Number of Hearings/Apearances Per Case												
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Judge A												
Judge B												
Judge C												
Judge D												
Judge E												

Table 18 focuses on a different issue – the possibility that unnecessary time is being taken in the mandatory mediation process and in the return of cases to the courtroom following an unsuccessful mediation.

Table 18

Average Times for Mediation												
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Time from request of order for mediation to first apptmnt												
Time from first apptmnt to mediation												
Time from mediation to submission of judgment or report												
Time from report to court hearing												

Composite data reports

Tables 19 to 22 are interesting examples of reports used in other states to combine data for various case types, court locations, judges, and indicators into a single report for viewing and analysis.

Table 19 shows the difference in time to disposition by the method of disposition by type of felony and by year over the past four years.

Table 19

Time to Disposition in Case Type and Manner of Disposition									
Year	Manner of disposition	Dissolutions, legal separations and nullities without children	Dissolutions, legal separations and nullities with children	Paternity	DV without children	DV with children	DSCC	Adoption	Other
2002	Default/stipulation								
	Court settlement								
	Court decision								
2003	Default/stipulation								
	Court settlement								
	Court decision								
2004	Default/stipulation								
	Court settlement								
	Court decision								
2005	Default/stipulation								
	Court settlement								
	Court decision								

Table 20 combines both time to disposition and number of hearings data for dissolution cases over the past four years for different court locations.

Table 20

Disposed Dissolution Timing Indicators by Division and Year of Disposition					
Type of Case	Year of Disposition	Time from Filing to Default or Stipulation (in days)	Time from Filing to Court Settlement (in days)	Time from Filing to Court Decision (in days)	Number of Hearings from First Appearance to Final Disposition
Location A	2002				
	2003				
	2004				
	2005				
Location B	2002				
	2003				
	2004				
	2005				
Location C	2002				
	2003				
	2004				
	2005				
Location D	2002				
	2003				
	2004				
	2005				

Table 21 shows case aging data for judges assigned to different family case processing teams, for each team, and for the family department as a whole.

Table 21

Age, in days, of Active Pending Family Cases from Filing Date									
	0 – 90 days	91 – 150 days	151 – 180 days	181 – 365 days	366 – 455 days	456 – 545 days	Over 545 days	Totals	% of Totals
Team A									
Department 1									
Department 2									
Department 3									
Team B									
Department 4									
Department 5									
Department 6									
Team C									
Department 7									
Department 8									
Department 9									
Grand Totals									
Per cent total									
Cumulative Percent									

Table 22 shows the age of pending matters proceeding through various family case processing “tracks” used by the court, using the tracks designated by the San Diego court in its differentiated case management model.¹⁵

Table 22

Age of Active Pending Family Cases from Date of Filing								
File Date	0 – 90 days	91 – 150 days	151 – 180 days	181 – 365 days	366 – 455 days	456 – 545 days	Over 545 days	Totals
Conventional cases								
Diverted cases								
Managed cases								

¹⁵ See description of San Diego’s differentiated case management procedure in Chapter 2 at page 75.

Reporting on compliance with performance standards

Table 23 shows the percentage of family cases disposed of each month that are concluded within the number of days prescribed by the statewide time to disposition standards.

Table 23

Actual Performance v. Standards													
	Standard	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Dissolution, legal separation and nullity		%	%	%	%	%	%	%	%	%	%	%	%
Paternity		%	%	%	%	%	%	%	%	%	%	%	%
Domestic violence		%	%	%	%	%	%	%	%	%	%	%	%
Child support		%	%	%	%	%	%	%	%	%	%	%	%
Adoption		%	%	%	%	%	%	%	%	%	%	%	%
Other		%	%	%	%	%	%	%	%	%	%	%	%

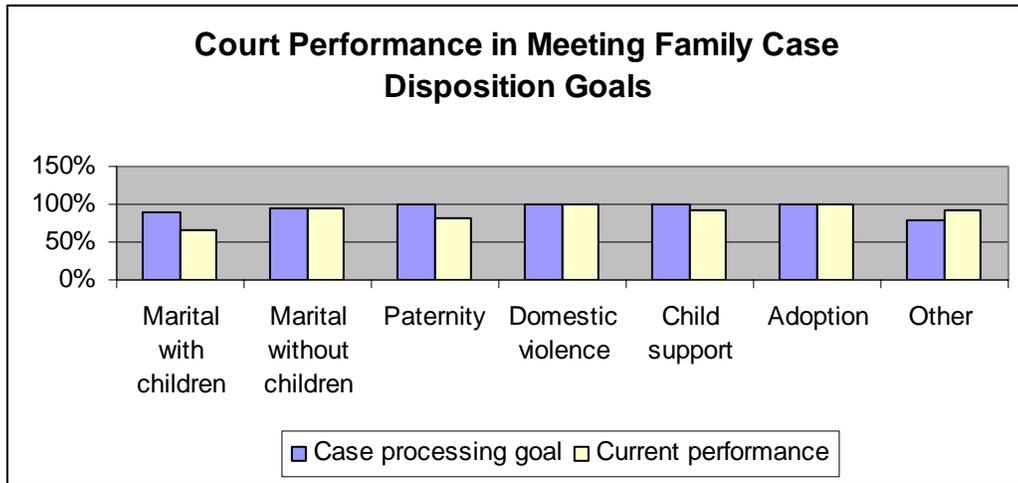
Table 24 shows the same data for each judge on the court for a court using an individual calendaring system.

Table 24

Performance v. Standards for Paternity Cases													
	Standard	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Judge A		%	%	%	%	%	%	%	%	%	%	%	%
Judge B		%	%	%	%	%	%	%	%	%	%	%	%
Judge C		%	%	%	%	%	%	%	%	%	%	%	%
Judge D		%	%	%	%	%	%	%	%	%	%	%	%

Table 25 shows in chart form how the court is complying with its own internal standards, which are more detailed than those established for the state as a whole.

Table 25



Tables 26 and 27 show in graph form how the court's performance is improving or deteriorating on key indicators chosen by the court for regular monitoring and reporting – time from initial appearance to disposition and number of hearings per case for different categories of family cases.

Table 26

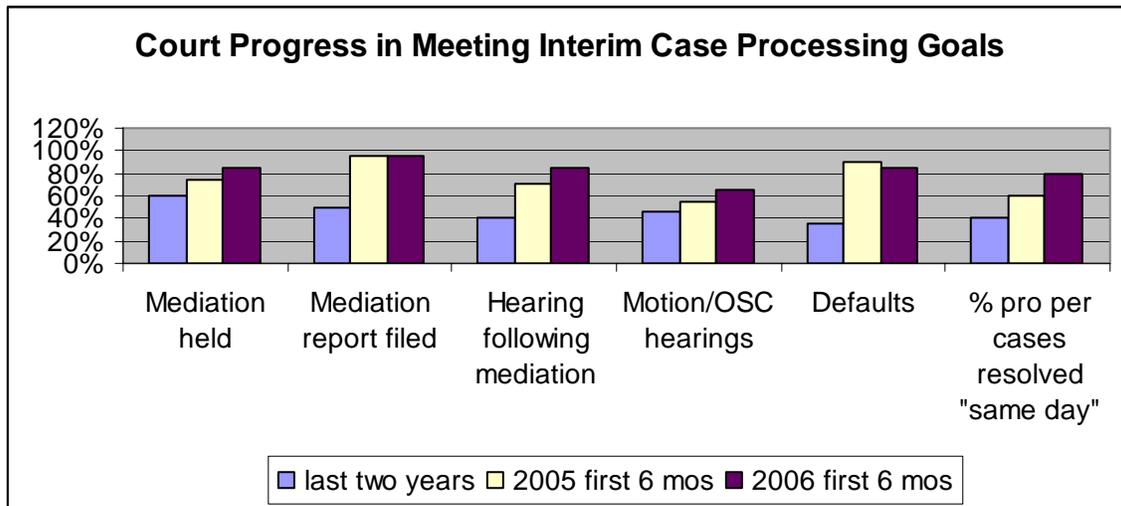
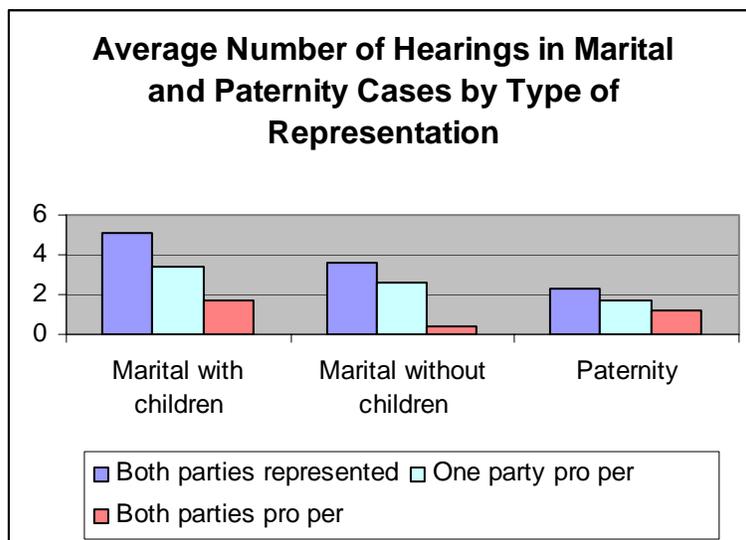


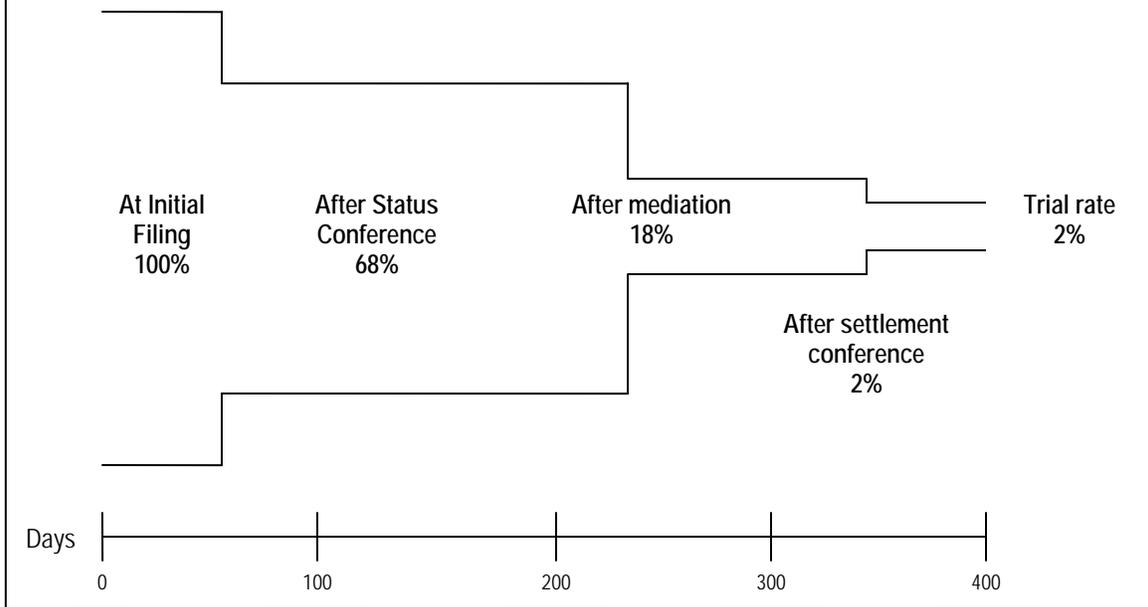
Table 27



“Reverse Telescope”

A classic case management analysis tool is called a “reverse telescope.” It summarizes graphically at what stage in the process the court disposes of its cases. Table 28, on the next page, is such a graphic prepared by a court in another state.

**Table 28
Reverse Telescope of Family Dissolution Case
Dispositions**



Priorities for data collection and analysis

This chapter has presented different examples of data tables that courts might wish to use to better display and understand their data. To prepare all of them would require extensive staff resources. The purpose for presenting them is not to suggest that all courts must or should have all of this data, but rather to show what sorts of data reports other courts have found worthwhile and helpful. Consider the foregoing a wish list rather than a requirement.

Because all courts have limited resources, it is legitimate to ask, "Which of the various reports and measures are the most important?"

The most basic are the most important. Tables 1 and 2, setting forth basic filings, dispositions, pending caseload and clearance rate are the most important. Table 6, displaying some form of time to disposition data, is next in importance. Table 14, reporting case aging, is third in importance. The next order of importance should be given to specific reports on the issues on which the court wishes to focus its family case management efforts, such as reducing the number of continuances or reducing the average number of appearances per case.

Appendix A

Time Standards Governing Domestic Relations Cases¹⁶

Source	Nature of Standard	Domestic Relations Standards
American Bar Association	Advisory	General: Filing to trial, settlement, or conclusion 90% within 3 months 98% within 6 months 100% within 1 year
Conference of State Court Administrators	Advisory¹⁷	Uncontested: Filing to trial, settlement or conclusion 100% within 3 months Contested: Filing to trial, settlement or conclusion 100% within 6 months
Alabama	Mandatory	General: Filing to disposition 90% within 6 months 98% within 12 months 100% within 18 months
Alaska	Voluntary	Divorce: Complaint to judgment 75% within 270 days 90% within 365 days 98% within 540 days Custody/child support (post-judgment motion): 75% within 90 days 90% within 120 days 98% within 180 days
Arizona	Voluntary	General: Filing to termination 90% within 3 months 95% within 6 months 99% within 12 months

¹⁶ Data taken from Heather Dodge and Kenneth Pankey, Case Processing Time Standards in State Courts, 2002-03, National Center for State Courts, Knowledge and Information Services, last modified June 23, 2003, available on NCSC homepage.

¹⁷ These standards were adopted in 1983 but are no longer advocated by COSCA.

		DV Orders of Protection: Hearing on contested O.P. 99% within 10 days
Colorado	Voluntary	Non-contested divorce: Date jurisdiction attaches to all parties to conclusion 100% within 6 months Contested actions: Date jurisdiction attaches to all parties to conclusion 100% within 12 months Initial temporary order: From setting date to hearing 100% within 4 weeks Contempt citations: From setting date to hearing 100% within 4 weeks Maintenance, support and custody: Less than 2 hours court time 100% within 2 months ½ day of court time 100% within 6 months
District of Columbia	Mandatory	Abuse and neglect: From removal from home to adjudication 100% within 105 days Permanency hearing: Removal from home to hearing 100% within 12-14 months Paternity and support: Filing to hearing 100% within 45 days
Florida	Voluntary	Uncontested: Filing to disposition 100% within 90 days Contested: Filing to disposition 100% within 180 days
Idaho	Voluntary	General: Complaint to disposition 100% within 180 days

		Child Support Enforcement: Filing to trial 100% within 60 days Filing to disposition 100% within 90 days
Iowa	Voluntary	Uncontested: Filing to disposition 100% within 4 months Contested: Filing to disposition 100% within 8 months
Kansas	Voluntary	General: Filing to termination 100% within 4 months
Louisiana	Voluntary	General: Filing to termination 100% within 4 months
Massachusetts	Mandatory	Probate and family Uncontested: Request for trial to trial 100% within 1 month Contested: Request for trial to trial 100% within 1 month
Michigan	Mandatory	Divorce without children: Filing to conclusion 90% within 91 days 98% within 9 months 100% within 12 months Divorce with children: Filing to conclusion 90% within 8 months 98% within 10 months 100% within 12 months Paternity: Date of service to conclusion 90% within 3 months 98% within 6 months 100% within 12 months Initiating interstate: Filing to conclusion 100% within 24 hours

		<p>Responding interstate: Filing to conclusion 90% within 91 days 98% within 6 months 100% within 12 months</p> <p>Child custody: Notice of request or hearing to conclusion 100% within 91 days</p>
Minnesota	Mandatory	<p>Dissolution: Filing to disposition 90% within 12 months 98% within 18 months 99% within 24 months</p> <p>Support: Filing to disposition 90% within 6 months 98% within 9 months 99% within 12 months</p> <p>Adoption: Filing to disposition 90% within 4 months 98% within 6 months 99% within 12 months</p> <p>Other family: Filing to disposition 90% within 12 months 98% within 18 months 99% within 24 months</p> <p>Abuse: Filing to disposition 90% within 2 months 98% within 3 months 99% within 4 months</p>
Mississippi	Voluntary	<p>Uncontested: Filing of complaint to conclusion 100% within 180 days</p> <p>Contested: Filing of complaint to conclusion 100% within 1 year</p>
Missouri	Mandatory	<p>General: Filing to disposition 50% within 4 months 90% within 8 months 98% within 12 months</p>
Nebraska	Voluntary	<p>District: Filing to judgment 100% within 9 months</p>

New Jersey	Mandatory	New Dissolution: Filing to disposition 100% within 12 months Reopened Dissolution: Filing to disposition 100% within 6 months Non Dissolution: Filing to disposition 100% within 60 days Domestic Violence: Filing to disposition 100% within 1 month
New York	Mandatory	Matrimonial General: Filing with court to trial readiness 100% within 6 months Trial readiness certificate to disposition 100% within 6 months Total time: Filing to disposition 100% within 12 months
North Dakota	Mandatory	Child Support: Filing to order 100% within 90 days
Ohio	Mandatory	General: Filing to termination 100% within 1 to 18 months
Oregon	Voluntary	General: Filing to conclusion [settled, tried or otherwise] 90% within 9 months 100% within 1 year
Rhode Island	Voluntary	Contested: Assignment to calendar to disposition 100% within 1 year
South Carolina	Voluntary	General: Filing to final disposition 100% within 270 days
Texas	Voluntary	Uncontested: Appearance date to trial 100% within 3 months Contested: Appearance date to trial 100% within 6 months

Vermont	Mandatory	Uncontested: Filing to disposition 80% within 6 months Contested: Filing to disposition 80% within 1 year
Washington	Voluntary	General: Filing to resolution 90% within 8 months 98% within 10 months 100% within 14 months
West Virginia	Mandatory	Uncontested: Filing to disposition 100% within 3 months Contested: Filing to disposition 100% within 6 months
Wisconsin	Voluntary	Divorce: Filing to disposition 100% within 12 months Other family: Filing to disposition 100% within 6 months