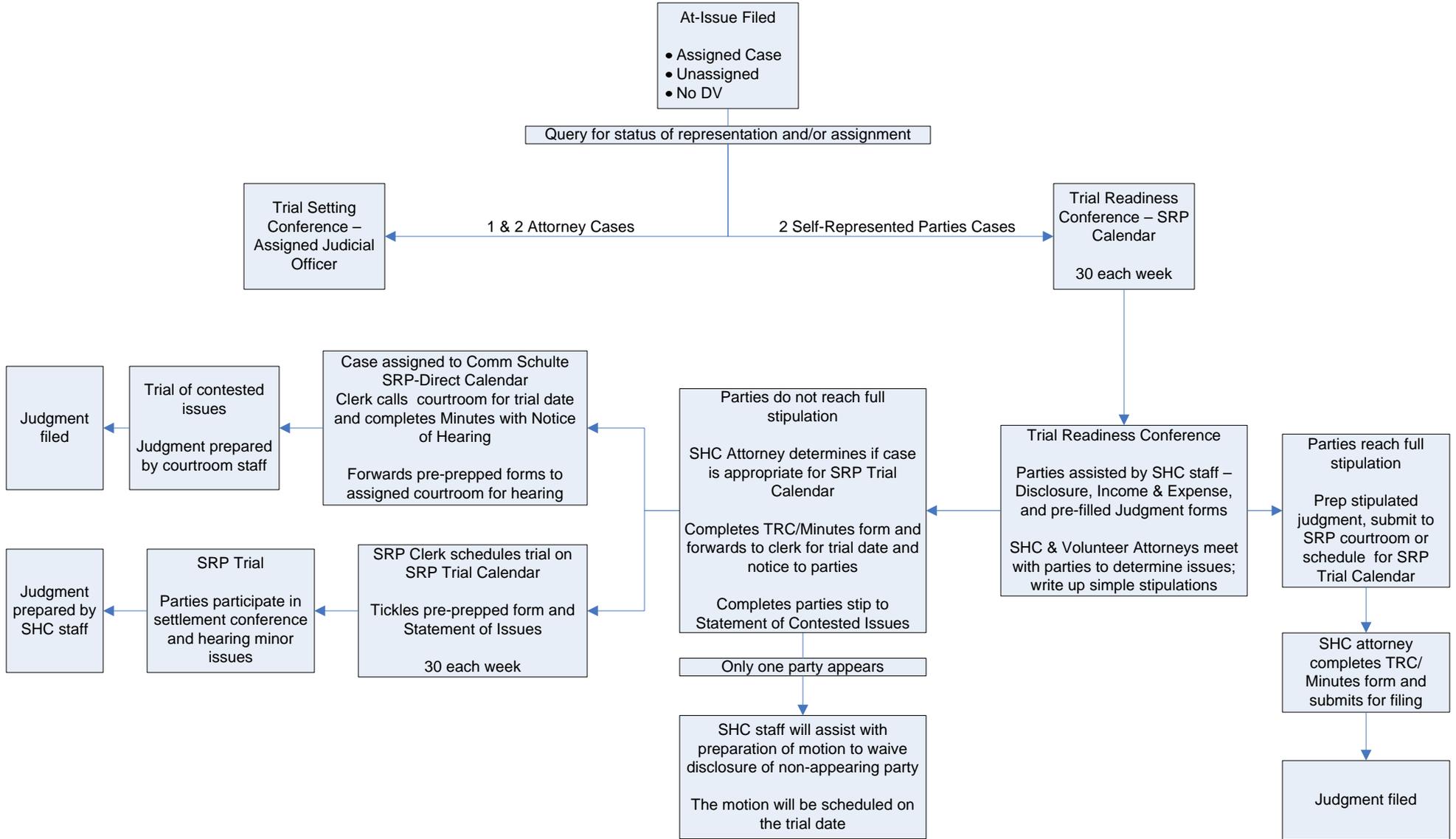


Family Law SRP Trial Calendar

Rev. 2/22/10



LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE

Rule 709. Contested Trials and Hearings

A. Requests for Trial

Trials must be requested by filing an *At Issue Memorandum for Trial Setting* (Orange County form L-0031.) Petitioner and Respondent must have complied with Family Code section 2104(a) and, prior to or concurrently with submission of the At Issue Memorandum, must have filed a *Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration* (form FL-141.)

If the non-submitting party has failed to file a *Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration*, the submitting party must demonstrate compliance with Family Code section 2107 by:

- a. Attaching a copy of the request to comply and proof of service of that request. Service must have taken place at least 15 calendar days prior to filing of the At Issue Memorandum; and
- b. Filing a *Request for Order* (form FL-300) regarding noncompliance with disclosure requirements prior to or concurrently with the *At Issue Memorandum for Trial Setting*.

The Pro Per Court

CONCEPT PROPOSAL

The Problem

The California legislature has found and declared in the Family Code that

1001. (A) The Legislature finds and declares the following:

(1) Child and spousal support are serious legal obligations. The entry of a child support order is frequently delayed while parents engage in protracted litigation concerning custody and visitation. The current system for obtaining child and spousal support orders is suffering because the family courts are unduly burdened with heavy case loads and do not have sufficient personnel to meet increased demands on the courts.

...

(4) There is a compelling state of interest in having a speedy, conflict-reducing system for resolving issues of child support, spousal support, and health insurance that is cost-effective and accessible to families that cannot afford legal representation.

How may the court provide additional aid to families in a dissolution of marriage proceeding?

Mission Statement

A mission statement for the court, therefore, would be to provide a court which specialized in cases without counsel. It would be a court manned by an experienced family law judicial officer who would, hopefully, be able to find a possibly overlooked legal issue and make the appropriate orders to seek justice and a proper resolution to the issue. Such a court would need assistance.

The Concept

It may be possible to enter into an informal agreement with the various American Bar Association certified law schools within Orange County so that law school students might be present in the courtroom of the “Pro Per Court.”

If the court saw a legal issue(s), the court could outline game to the student. The student then could take the litigant without a lawyer outside the courtroom, and interview the part to find out what additional information, if any, the court needs to address the legal issue(s).

i.e. If a mother was seeking spousal support, it would be important for the court to have a properly completed income and expense declaration from each of the parties. If the document was incomplete, the court could instruct the student to find out the missing information.

i.e. If the issue before the court was the value of a business, the student might be asked to assemble the business papers so that the court could determine if it was necessary to appoint a certified public accountant to conduct a determination of the value.

i.e. If the issue before the court was the parties’ disagreement over the value of a specific asset, the student might be asked to find out specific information about the asset (i.e., the value of a car based upon make, model, miles driven, and general condition, etc.).

i.e. If the issue before the court was visitation, the court might ask the student to inquire as to where the child had been living in the immediate past, and any past arrangements as between mother and father.

The Students

All students who participate:

1. Must be a student at one of the Orange County Law Schools;
2. Must have completed at least 60 units of schooling (in their second or third year);
3. Must not give legal advice to the party being interviewed.

The Court

1. Would never force a litigant to speak to a student;
2. Would not permit the student to “testify” as to evidence;
3. Would not “assign” a request to extend over the one session of the court, without permission of the student.

The Program

1. The Law School would contact the court at least 72 hours in advance and give a list of the names of the students responsible for any specific court date.
2. Provide such forms as may be developed for the litigants to sign prior to talking with the students.
3. Permit such time as may be required for the student to complete the assignment for requested information.
4. Advise the parties before commencement of the student examination that no confidential privilege exists.
5. Prepare a written report to be signed by the court for the law school, as may be determined, to verify the work of the student.

Student Interview Agreement

My name is _____

I agree to the following:

1. I have no lawyer and am involved in a family law case in the Superior Court.
2. I understand that the court has requested certain information.
3. I agree to be interviewed by a law school student so that the information requested by the court might be determined.
4. I understand the person who interviews me is not a lawyer.
5. I will not request legal advice, nor will the student who talks with me give me legal advice,
6. I am under no obligation to discuss information not requested by the court .
7. I will not try to get the student to side with anyone. I understand that the student is neutral and unbiased.
8. I will not swear or use cuss words.
9. I will not quiz or question the student as to the law or rules of evidence nor inquire as to any confidential information.
10. I understand that the interview can be terminated by me or the student at any time.
11. I understand that what is said to the student may be repeated to the court, and I understand I am not in any confidential relationship with the student.

I agree to the above.

Dated: _____

Signed: _____

Superior Court of California, County of Orange

Family Law

SELF-REPRESENTED PARTY TRIAL READINESS AND TRIAL CALENDARS

These calendars provide self-represented parties an opportunity to receive assistance reaching a resolution in their family law case. They are provided access to Self-Help Center attorneys, court staff, interpreters, Family Court Services mediators, volunteer attorneys, certified law students and a family law judicial officer who will make decisions regarding disputed issues. This group of trained and experienced individuals work together in an effort to provide the parties with a Judgment on the day of their hearing.

Selecting Cases for the Calendar:

- A Trial Readiness Conference will be scheduled pursuant to an At-Issue Memo when both parties are self-represented and there is no active or pending restraining order.
 - Two Trial Readiness Conference calendars are scheduled every Tuesday, one at 8:00 a.m. and one at 12:00 p.m. Each calendar consists of 10 cases.
 - Notice of Trial is sent to each party.
- An SRP Trial Calendar is scheduled every Thursday; at 8:30 a.m. Each calendar consists of 10 cases.
 - Scheduled by the clerk assigned to Department L74, pursuant to the Trial Readiness Statement/Minute Order (recommendation of the SHC attorney) form.
- Cases scheduled for trial in a direct calendar courtroom may be rescheduled to the SRP Trial Calendar under the following circumstances:
 - An At-Issue Memorandum has been filed in the case.
 - Both parties are now self-represented and intend to continue to represent themselves.
 - There are no Domestic Violence orders, or requests for orders pending, in the case.
 - A Family Law supervisor or manager has been contacted for a hearing date. (Each case will be evaluated and scheduled for the appropriate setting: Trial Readiness or Trial.)
- No SRP Trial Calendars are scheduled on dates in which the hearing officer is absent from the court. Should there be an unplanned absence, or the judicial officer be absent for two or more consecutive weeks, the Family Law Supervising Judge will assign another judicial officer to hear the calendar.

Scheduling Volunteer Attorneys:

- The SHC Attorney works with the Court's JAG unit to schedule attorneys from the Court's Temporary Judge List and coordinates volunteer law students who participate through their professors.
- The SHC Attorney facilitates the completion of the Declaration of Temporary Judge and Temporary Judge Evaluation forms, and the on-line Hours Served chart.

Trial Readiness Conference:

- The Trial Readiness Conference is conducted by the Court's Self-Help Center staff and takes place in the Education Workshop Center on the 7th Floor at LJC.
- Two sessions are held every Tuesday at 8:00 a.m. and 12:00 p.m.; with 10 cases set in each session.
- Parties check-in at the EWC and view a video in which a judicial officer explains to the parties the nature of the calendar and the special resources the court has on standby to assist them through the process.
- Parties are assisted with the completion of all forms necessary for trial and serve disclosures if needed.
- Intern interpreters are present to assist.
 - Spanish speaking parties are seated in one area so the Interpreter can interpret to the group.
- A Self-Help Center attorney meets briefly with each couple and may refer parties to an appropriate resource including:
- Volunteer attorneys / Law School Professor
 - Parties without children and parties with a previously established Parenting Agreement are referred to a volunteer attorney or law school professor.
- Family Court Service mediators and investigator
 - Parties with children and no Parenting Agreement are referred to Family Court Services before referral to a volunteer attorney or law school professor.
- A Staff person or volunteer intern will escort parties to the designated resource.
- Parties receive direction and assistance to complete the Judgment, Notice of Entry, Child Support Registry and wage assignment forms.
- Should the parties reach a complete agreement during the Trial Readiness Conference, the parties may proceed with a FC 2336 Judgment.
 - Filed FC 2336 Judgments are returned to the parties within one week
- Should only one party appear at the Trial Readiness Conference, the appearing party is assisted with the preparation of a motion to waive the disclosure of the non-appearing party.
 - The motion is scheduled on the trial date.

At the conclusion of each case set on the Trial Readiness Conference calendar, the SHC attorney assess the case's trial status and completes a Trial Readiness Conference Minutes/Notice of Trial form and forwards it, along with documents prepared that day, the pre-filled Judgment and Notice of Entry forms, to the clerk assigned to Department L74.

Processing of the Trial Readiness Conference Minutes/Notice of Trial form:

- The SHC attorney indicates on the form:
 - Who appeared
 - If disclosure requirements have been met by both parties
 - If the parties attended custody/visitation mediation and reached an agreement
 - If the case is appropriate for the Self Represented Party Trial Calendar
 - If the issues in the case are such that they must be heard by the Self-Represented Party Direct Calendar judicial officer, or another assigned judicial officer.
 - Cases not appropriate for the Self-Represented Party Trial Calendar include those that:
 - Have a Domestic Violence Restraining Order or pending Domestic Violence issues. These cases must be heard by the assigned judicial officer.
 - Have complex property issues and/or substantial assets. These cases are specially set on the SRP Trial Calendar for a long cause hearing .
 - Obtain attorney representation. Heard by the assigned judicial officer.
 - The parties current mailing address where notice of trial is to be mailed
- The SHC attorney prepares a Statement of Contested Issues for the judicial officer.
- The SHC attorney reviews the Statement of Contested Issues with the parties and obtains their signature as an indication of approval.
- The clerk completes the form by:
 - Scheduling the case for the SRP Trial Calendar, long cause SRP trial, or trial before the assigned judicial officer as indicated on the form.
 - Contacts the assigned department for a trial date if appropriate
 - Mailing notice of the trial date to the parties
- The clerk schedules motions to waive non-complying party disclosure on the same date and department as the trial.

Self-Represented Party Trial Calendar:

- Cases are scheduled on Thursdays at 8:30 a.m. .
- The judicial officer reviews Stipulated Judgments with the parties, and takes status
- Contested issues are heard by the judicial officer.
 - The Court Clerk incorporates orders made by the judicial officer in the Judgment.
- Once all other issues are disposed, the Court may refer the case to the Department of Child Support Services support staff on the 5th floor of the Lamoreaux Justice Center for assistance with child support establishment and/or enforcement.
- Should it become evident that a case is not appropriate for the SRP Trial Calendar, the Court Clerk calls the assigned department for direction as to when to reschedule the trial (or refer the parties the same day.) This might occur under the following circumstances:
 - One of the parties has retained an attorney or represents to the Court that they intend to retain an attorney.
 - The Court discovers that the parties have domestic violence orders pending or in force..

After Court:

- The Court Clerk completes the processing of the Judgments, Notice of Entry of Judgments and Minute Orders.
- The Court Clerk completes calendar statistics.
- Periodically, surveys are distributed to the parties in order to monitor the program.

Resources:

Family Court Services: Mediators are on standby to receive referrals. The Self-Help attorney will refer cases prior to calendar call, if possible, to make good use of FCS time. Upon completion of mediation, parties are referred back to the courtroom and all agreements are typed in a format that may be attached to the Judgment or Order.

Volunteer Attorneys: Attorneys will staff the tables in the public hallway, acting as settlement officers to assist parties to reach stipulation or partial stipulation. Certified law students will listen and observe and will complete the judgment, disclosure forms, or other forms based on the stipulation reached.

- CARE package: Self-Help Center will supply attorneys with necessary forms, form packages, and supplies in a plastic crate for use in completing Judgments/Orders. The crate should not be left in the public hallway during the lunch hour, and may be stored in the courtroom or in the FL/Probate Receptionist office.

Certified Law Students: Students are supervised by their law school professor. They sit in on settlement discussions, and will complete the appropriate documents to present to the judicial officer. Forms/supplies will be provided by the Self-Help Center.

Interpreter Interns: California State University, Fullerton students of the Interpreter Program participating in a court internship assist Spanish-speaking litigants, under the supervision of a certified court interpreter. Two interpreter interns assist at each calendar. They may provide interpretation of court forms, assist in the settlement conference and/or during the court hearing.

Department of Child Support Services: If parties already have an open DCSS case, they will be escorted to the 5th floor DCSS office so DCSS attorney can facilitate a stipulated support order, and also sign off on any stipulation, judgment/order reached. If parties do not have an open DCSS case and do not agree on a support amount, the SRP judicial officer will hear the case and set support.