

SQUIRES

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Ninety-eight young men were court-ordered to participate in the San Francisco SQUIRES program in its first nine months, and 69 successfully completed the four-session program. These are good odds, but a single program does not work without a wide range of court and community support. "There is no one-shot thing," Jacqua notes. "SQUIRES is another piece for them to get their footing on the ground. It has a different impact on different people. SQUIRES has been a big catalyst for a number of our kids."

Judge Katherine Feinstein currently serves as San Francisco County's juvenile delinquency judge. Judge Feinstein is a member of the Judicial Council's Family and Juvenile Law Advisory Committee. Prior to assuming this position, Judge Feinstein served as counsel to the San Francisco Department of Human Services, overseeing the case management and litigation of approximately 3,000 juvenile dependency cases. Her past experience includes service as a deputy district attorney, membership on the San Francisco Police Commission, and the directorship of the Mayor's Criminal Justice Council.



Effective Use of Facilitators in the Courtroom

Commissioner Sue Alexander, Superior Court of California, County of Alameda, and Tom Suhr, Family Law Facilitator, Superior Court of California, County of Alameda

Increasingly, family law courtrooms are becoming the domain of self-represented parties.

Family law facilitators have flexible roles and functions within the statutory and funding guidelines, and therefore their services may include courtroom assistance to the court and to litigants. By directly assisting the judicial officer, a facilitator can help the court work more efficiently and effectively in self-represented cases.

By statute, the facilitator must be an experienced family law practitioner, and this legal resource should be used to its best advantage. Efficient use of facilitator resources includes careful calendar coordination, maintaining a steady flow of cases during the calendar, and using the facilitator to coordinate the inevitable follow-up tasks that reduce needless continuances and other wastes of judicial time.

Following are some of the principles that have proven effective in making the best use of this legal resource in the courtroom.

- **Coordination with the filing clerks and the courtroom clerk** to ensure that cases in which both parties are unrepresented are set for hearing on the same day of the week. This creation of special "pro per" calendars makes the best use of facilitator resources, which usually are too limited to permit a facilitator to be present at all short cause calendars throughout the week.¹ Pro per calendaring requires monitoring to make sure that the difference in waiting time for hearings between attorney cases and pro per cases does not become too great. As the volume of

pro per cases grows, there is a tendency for the pro pers to get later and later hearing dates, creating an undesirable discrepancy in court services.

- **Review of case files** in advance of the hearing to identify which cases can be referred to the facilitator at the beginning of the calendar, such as cases with no proof of service in the file, cases in which there is a report of an agreement on the issues of custody and visitation, and cases in which the parties need procedural information. This review may be conducted by the judicial officer as she or he reviews the cases, or may be performed by the facilitator.
- **Beginning the calendar session with a calendar call** to determine which parties are present, to further identify which cases may be referred to the facilitator, and to set priorities for calling cases for hearing.
- **Referral of cases for calculation of guideline child support** on non-Title IV-D calendars. Facilitators can often assist parties in reaching a stipulation for child support, or if no agreement is reached, can provide the judicial officer with information on the points in contention and with guideline child support calculations based on differing assumptions.
- **Referral to facilitator to prepare an Order After Hearing.** Experience has shown that this task can be performed at the time of the hearing much more efficiently than after the fact, because the court file, the parties, and the judicial officer are all

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¹ The ideal situation would be to have a facilitator for each family law judicial officer in the court, in which case the facilitator could be present at every short cause calendar, and special calendaring would therefore be unnecessary. There is a benefit, in terms of calendar management, in having a mixture of attorney-represented and pro per cases.

Facilitators in the Courtroom

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present, and any ambiguities or misunderstandings can be cleared up immediately. The parties can then either wait to receive a copy of the order (this is especially important if a restraining order is granted) or may leave self-addressed envelopes for later mailing of the order.

- **Referral to the facilitator to provide procedural information.** Self-represented parties often require explanations of court procedures that the judicial officer cannot provide. Such issues include how to properly serve the other party, how to go about obtaining a dissolution judgment or other forms of relief, and how to complete court forms of all types.
- **Use of the facilitator as a source of information.** The facilitator can save judicial time by talking to the parties and providing the judicial officer with factual information, points of contention between the parties, and other issues. In performing this task, it is important that the facilitator avoid the appearance of any prejudgment of issues, maintain a sense of neutrality in speaking with the parties, and avoid the appearance of having any ex parte communications with the judicial officer. The best practice is for the facilitator to provide only written communications to the judicial officer, copies of which are provided to each party before the case is called for hearing.

Assistance to parties in complying with court orders also should lead to better use of judicial time and benefits to

the parties and their families. This assistance begins with helping the parties understand the orders; it continues with introductions to mandated community services such as job assistance programs, drug and alcohol treatment programs, parenting classes, co-parenting counseling and other forms of counseling, supervised visitation, and so forth. Facilitating the flow of information on parties' progress in these programs back to the court enables the court to maximize the benefits of these programs. The facilitator can either provide or help coordinate this kind of case management assistance.

The presence of the facilitator in the courtroom has substantial benefits. The judicial officer can save hearing time in pro per cases as a result of stipulated orders, and can make better use of hearing time when the pro per parties are better prepared to present their cases and more relevant information is available. The facilitator can provide extremely effective and efficient assistance to the parties, who do not need to make an additional trip to the courthouse for assistance, can have their orders and procedures explained to them at the optimum time, and can have procedural problems corrected through court orders as needed.

Since October 1997 Commissioner Sue Alexander has been a "1058" child support commissioner at the Superior Court of Alameda County, where she currently hears general family law matters in addition to section 1058 child support cases. She holds a master's degree in marriage, family and child counseling is also a family law specialist and a probate, estate planning, and trust law specialist certified by the State Bar of California. She is a member of the Judicial Council's Family and Juvenile Law Advisory Committee and of the State Ethics Committee for the California Association of Marriage and Family Therapists.

Tom Surh has been a family law facilitator for Alameda County since October 1997. Prior to that, he was a legal aid attorney, a county bar administrator, and a solo practitioner in the areas of family law, immigration law, and juvenile dependency trials and appeals. He is currently a member of the Committee on Professional Responsibility and Conduct of the State Bar of California.



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