

California Courts News Transcript

Title: CCN Transcript: Elkins Family Law Task Force – November 4, 2009

Date: November 17, 2009

There are almost a half-million filings in California family courts each year – involving divorce, separation, child custody and support, and domestic violence; cases that can be financially and emotionally wrenching.

And about 80% of the litigants in family law court don't have lawyers – adding to the confusion.

Hon. Mark A. Juhas, Los Angeles Superior Court *“Over time and for a number of very good reasons, it's become quite complex. I think we as a court have the obligation to help the public and our litigants navigate that complexity as best we can.”*

People complain that the family court system is frustrating.

Justice Laurie D. Zelon, Second Appellate District *“We are aware of the difficulties people have in navigating the system. And #2, we're aware the people are very concerned about it because these are their lives and their children.”*

So in May 2008 the Judicial Council appointed 38 distinguished experts from across the state to the Elkins Family Law Task Force. Their charge was clear.

Justice Laurie D. Zelon, Second Appellate District *“Starting from the notion that family law litigants were entitled to the same level of due process as every other litigant in California, asked the task force to look at the rules, policies and procedures of family law to determine how it could be improved to ensure fairness access and due process.”*

That meant they had to examine what works, and what doesn't work. And what they could learn from others. They did a lot of thorough research – starting with the court family and reaching all over the world and across disciplines. They solicited input from family court users on the web, in focus groups and in surveys. And they hosted public hearings in San Francisco and Los Angeles, where they did a lot of listening.

Carl Loeber, Family Court Litigant *“When you don't have an attorney, even with an attorney, it's very difficult as you know under rules of evidence to get even the most obvious evidence before the court. This is something that has just got to change.”*

They listened to people relate their stories, which were sometimes difficult to tell, and equally difficult to hear.

Nathan Moeller, Family Court Litigant (Sigh) *“I apologize. That's alright, take a deep breath.”*

And they had the opportunity to clarify, to probe, to ask questions.

California Courts News Transcript

Hon. Louise Bayles-Fightmaster, Sonoma Court Commissioner *“You would like to have the opportunity to bring in an expert witness as a rebuttal, a psychologist? Yes.”*

Task force members agreed, the public sessions provided a wealth of new perspectives.

Justice Laurie D. Zelon, Second Appellate District *“This is an opportunity to be on the other side of the table and to see what it looks like from the other side of the table. It’s an enormous learning experience.”*

Hon. Mark A. Juhas, L.A Superior Court *“I cannot highlight enough how various public comments that we’ve received so far have truly informed the discussion.”*

The result: more than 100 recommendations on 21 different topics – including the right to present live testimony at hearings, expanding legal representation, and streamlining forms and procedures.

Justice Laurie D. Zelon, Second Appellate District *“We are not limiting our recommendations to those things that can be funded now. We are putting out a template of things that we think ought to happen. So that when resources become available, that will be there.”*

The draft recommendations are out for public comment for 60 days. After considering that input, final recommendations go to the Judicial Council for action.

Task force members are excited about the potential for their work.

Hon. Mark A. Juhas, L.A. Superior Court *“I think things that we suggest today, recommendations we make today, changes we make today are going to have an impact on litigants and children’s lives well into the future.”*

Justice Laurie D. Zelon, Second Appellate District *“The most important thing the courts can do is assure equal justice and access and provide litigants with fair procedures that maintain their due process rights, and make them feel that they’ve been heard in a fair and effective manner; and I think that’s what we’re about.”*

Much more information about the Elkins Family Law Task Force is on the court’s website. I’m Leanne Kozak reporting for California Courts News.

[END]