

DAY OF COURT CONFLICT RESOLUTION: *A Collaborative Approach*

Presented by:
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Current Programs

- Family Settlement Project
 - Partners: Superior Court and Pro Bono Project of Silicon Valley
- Assisted Meet & Confer
 - Partners: Superior Court and private attorneys

Future Program

- Young Families Team
 - Partners: Superior Court, private attorneys, private mental health professional with early childhood development expertise

Family Settlement Project (FSP):
Background and objectives

- Overflowing SRL calendars
- Overburdened Court resources (SHC/FLFO)
- Parties ready and willing to settle but no communication skills
- Utilize waiting time
- Requirement to meet & confer
- Public policy encouraging settlement of disputes

Family Settlement Project (FSP):
Partner agency

- Where to find them?
 - Court perspective
 - Coordinate with existing services
 - FLFO/SHC
 - Maintain neutrality
 - Budget/Funding
 - Agency perspective

Family Settlement Project (FSP):
Partner agency

- Idea to reality:
 - Funding
 - Staffing
 - Volunteer Attorneys
 - Recruitment
 - Training
 - Oversight/mentoring/management
 - Retention
 - Volunteer Assignment

Family Settlement Project (FSP):
Partner agency

- Develop materials for parents/parties
- Coordinate with Court
 - Day-of Court procedures
 - Volunteer selection and assignment
 - Case selection

Family Settlement Project (FSP):
The Court

- Case selection criteria
 - Appropriate issues: custody & visitation
 - Both parties present
 - Both parties are self-represented
 - Both parties are English-speaking
 - At least one party qualifies for a fee waiver

Family Settlement Project (FSP):
The Court

- Case selection criteria (continued):
 - No special/complex issues:
 - DV
 - Serious child safety issues
 - Third party placement
 - Jurisdiction or venue
 - Set aside
 - Paternity determination
 - Service
 - Multiple cases

Family Settlement Project (FSP):
The Court

- Maintain stats
- Regular meetings with partners
 - Review the process
 - Feedback from all team members

Family Settlement Project (FSP):
Challenges

- Start small (call it pilot!)
- Space
- Interpreter matters
- Confidentiality
- Funding

Assisted Meet & Confer:
Program description

- Partners: Private attorneys and the Court
- History: Apply the successful meet and confer model used with SRL matters to represented cases
- Mediation model

Assisted Meet & Confer:
Program Development

- Develop support group
 - Judges
 - Attorneys
 - Local Bar association
- Identify pool of volunteers
 - Relevant experience
- Identify "pilot" courtroom
 - Start small

Assisted Meet & Confer:
Program management

- Appoint one person to coordinate program
- Frequent meeting with volunteers and pilot courtroom Judge
- Exit questionnaire for parties
- Keep stats

Assisted Meet & Confer:
The Court

- Case Selection Criteria:
 - Represented matters (may be expanded to SRL and lop-sided matters)
 - Apparent ability to communicate (no DV, substance abuse, or mental health issues)
 - Cases that are fairly well prepared
 - Cases requiring a multifaceted approach

Assisted Meet & Confer:
The Court

- Case Selection Criteria (continued):
 - No contested legal issues that may have to be resolved first
 - Creativity would help the situation (non-legal solutions?)
 - Damage control is needed (escalating debt and attorney fees)

Young Families Team

- Program developed ready to launch in February 2012
- Working team
 - Judges
 - Attorneys experienced in custody and visitation
 - Mental health professionals with experience in family law custody and visitation orders

Young Families Team

- Program description:
 - Pilot in one department
 - Cases referred at more litigated stage of the case
 - A volunteer attorney and mental health professional are assigned to work with the parents over several months

Young Families Team

- Challenges:
 - Volunteer selection, training and retention
 - Space
 - Materials for the parents and team members
 - Case assignment
 - Funding

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