

ONE DAY DIVORCE & FIVE MINUTE FOAH

Judicial Council of California

San Francisco, California

Hon. Jim Mize

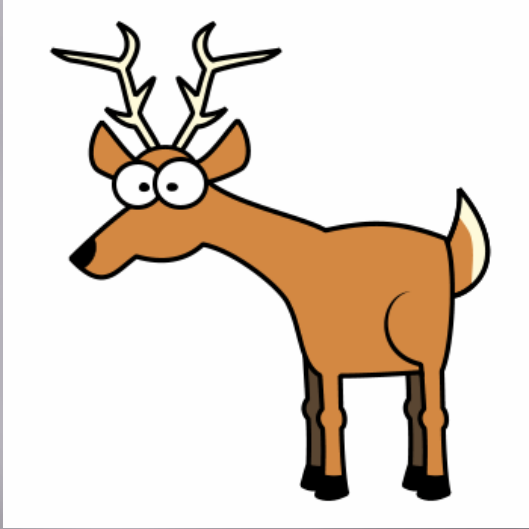
December 11, 2015

One Day Divorce



- ▣ Problems:
- ▣ 72% of all FL Litigants are self-represented
- ▣ Even simple divorces are often incomprehensible to pro-pers
- ▣ And yet – the biggest complaint from our customers is that the process takes too long

One Day Divorce



- ▣ In our courtrooms daily –
“Are we divorced yet?”
- ▣ Explaining process to nervous,
litigant without legal training
= deer in headlights
- ▣ BUT – no money, no resources
- ▣ And yet the need to do more
with less
- ▣ One small contribution to the
solution.....

One Day Divorce



- ▣ Start with:
 - 1) Defaults
 - 2) Uncontested couples
- ▣ First triage: Website, brochures and signs in courthouse:
 - 1) Service and POS and 30 days or
 - 2) Response filed but parties agree on EVERYTHING, C/C, C/S, S/S, Prop. Etc
- ▣ “Skim the cream off the bottom” rather than, “low-hanging fruit”

One Day Divorce

- ▣ Second triage: Self-help Center pulls file and does a once-over
- ▣ VOLUNTEERS: No cost!! (Therefore means test...)
- ▣ Third triage: Temporary Judges (Judge Pro-Tems) – review, recommend, instruct re: needed forms
- ▣ Forth triage: Law Students (willing!!!) and 0-10's, type info on computer legal forms (AND ISSUE SPOT) and return to Temporary Judges for final approval



One Day Divorce



- ▣ Then the fun begins!!!!!!!!!!!!!!
- ▣ Final check and approval in Department 123
- ▣ Extoll the virtues of the process and especially the volunteers; introduce the volunteers and welcome their expression of gratitude to the volunteers (reminder to customer of service and encouragement to volunteers)

One Day Divorce

- ▣ Video from the on-line article, “Sacramento Judge Aims to Expedite Divorce Process”
(*Fox 40 – April 12, 2013*)

Click **HERE** to play video

One Day Divorce



- ▣ Minimal Court Resources:
- ▣ Facilitator pulls files and early triage
- ▣ Judge hears cases at 11:30; 1:30 and 2:30 – i.e. before and after lunch and at a recess during **normal** trial day
- ▣ DCSS on duty for C/S??
- ▣ FCS on duty for C/C??

One Day Divorce

- Early numbers: 10 per Friday on 2 Fridays each month = 20/month (10 computers only)
- Expansion?? 4 Fridays (40 cases) or 4 Thursdays and Fridays (80 cases/month); Coordinate with regular volunteer settlement conference calendar – daily?
- Future with money \$\$\$\$?
- FT Atty/Pro-Tem plus 3-4 paralegals could crank out 100's each month



Innovations in Process and Technology



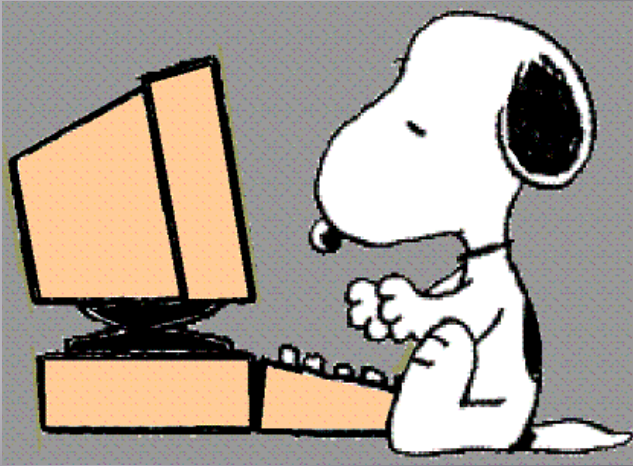
- ▣ One Day Divorce: Innovation in Process (and use of Volunteers?) to deliver faster, smoother and more satisfactory service to our customers.
- ▣ Five Minute FOAH: Innovation in Technology to deliver faster, smoother and more satisfactory service to our customers

Five Minute FOAH



- ❑ The Problem:
- ❑ Minute orders issued at hearing
- ❑ Weeks/Months before a Formal Order After Hearing (FOAH) is prepared
- ❑ Peace Officers may not enforce (or be able to read) a minute order
- ❑ Is there a way to go from decision directly to a FOAH?
- ❑ Solution??

Five Minute FOAH (cont.)



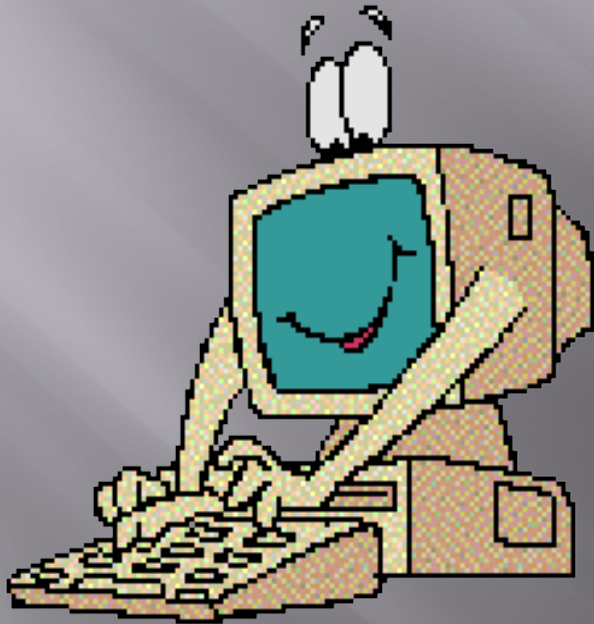
- ▣ What if a judge could type directly on a FOAH?
- ▣ What if a judge could dictate directly to a FOAH?
- ▣ Eliminate the minute order step entirely?
- ▣ Voila! Five Minute FOAH

Five Minute FOAH (cont.)



- ▣ Judge (or Clerk) – types (or dictates) orders and program populates all applicable Judicial Council forms.
- ▣ Again – judge or clerk can produce the FOAH – Culture of the individual courts
- ▣ Multiple check boxes and templates to shorten process

Five Minute FOAH (cont.)



- ▣ Program knows what forms have to accompany what orders and attaches them automatically
- ▣ PLUS: Program can import FCS recommendations (and Court can make changes on that recommendation)
- ▣ PLUS: Program can import results screen from X-Spouse support calculation


Five Minute FOAH (cont.)



- ▣ Available on line immediately to parties who have registered
- ▣ Revolutionary benefit to self-represented litigants who may never know how bad it was
- ▣ Future??
- ▣ Scan written stips to attach to the FOAH, etc

Keep Innovating!!!

In the
midst of
chaos
lies
creativity



- ▣ Thank you for your attention.
- ▣ Someday we might even get some money in order to implement these improvements more fully.