

Court Efficiency and Access to Justice

FEBRUARY 3, 2023

Welcome!



Members of the Public



Members of the Bar, Paralegals,
Office Staff



Court Staff and Administration



Introduce Key Players in our Court



Address Your Feedback



Address Bench concerns and ideas

Plan for today:





Q & A with Judge Guerrero
- Time Permitting



Pencil in next meeting
date



Why have we scheduled this meeting?



We wish to promote access to justice to all people in our community



Through efficient, but thorough procedures



Administered with the highest ethical standards

Achieving this will require feedback from the community, litigants, paralegals, attorneys, your staff and court staff.



Judge Peron
for 15 years on FL bench

Commissioner
Kenneth
McDaniel

Courtroom Assignments

D7
SLO

Judge Erin Childs - Anna Zanellato

P1
Paso

Judge Matthew Guerrero - Denise Subia

D11
SLO

Commissioner Kenneth McDaniel - Dani Klein

Family Court Services (FCS)



Jojo Masangcay – FCS Manager



Julie Cannon – Support Staff – Mediators, court investigators, probate investigators, family law investigators



Mediator: Allison Anderson (SLO)

Mediator: Christine Pirruccello (Paso)

Mediator: Cindy Castañeda (Grover)

Family Law Facilitator (AKA the Self Help Center)



Alicia Wright, Esq. - Managing Attorney



Kim Speiers



Cal Poly intern, Maria Gutierrez

“Room 385”



Jaudean Reavey - Civil Division Manager



Dolores (Lola) Rincon - Legal Process Supervisor



385 Staff: Linda, Matthew, Lisa-Marie, Tim, Karen,
Pamela, Tamara, Courteney, Marcela, Gabrielle

Court Reporters



Anna-Marie Hernandez – Supervising Court Reporter



Jill, Kate, Cassie, Donna, Natalie, Aubrey, Shannon, Christina



Civil and FL are lowest priority for court reporters. More on this in a bit...

Court Administration

Honorable Craig van Rooyen - Presiding Judge
Honorable Rita Federman - Assistant Presiding Judge

Michael Powell - Court Executive Officer
Anthony Aiello - Administrative Analyst
Priyanka Singh - Administrative Analyst

Tammy Denchfield - Court Operations Officer
Kathy Martindelcampo - Courtroom Operations Manager

Thank you
for your
candid
feedback...



Everything boiled down...

1. Mediation Issues
2. Calendars
3. Transparency of Assignment of Minor's Counsel
4. Stipulating to commissioner
5. Court Reporters
6. Technology in the courtroom (videos, pictures, etc.)
7. The future of Remote Court Appearances
8. Trial backlog
9. Definition of "meaningful meet and confer"
10. Labeling and Exchanging Exhibits
11. Proposed Standing Order effective March 1, 2023

A bit about FCS Mediation

- Mediation will take place by phone indefinitely.
- No-show rates have dropped from 50% to 5% since mediation has gone from in-person to phone.
- More people are able to access mediation by phone from their car, work, home, etc. than by having to come into the courthouse.
- It is helpful to have parties contact FCS by phone once they get a mediation date – so please include their number in all of your FOAH's.
- Please **do not attach unsigned mediation agreements to pleadings and FOAH's** as they are confidential until signed by both parties per CEC §1119 and **Family Law Policies and Procedures**, section 3, item 4 (found on pages 38 & 39).

Calendar Management



“We don’t know what your weekly calendars are? When are your RFO days so we can line up our own court reporters?”



“Explain what RFO days are for... Why can’t all RFO dates just be TSCs at the earliest possible date, then the court require time estimates 3-5 days in advance so that the RFO can be set on meaningful days at the court’s earliest opportunity?” (Hold that thought...)



“Can the court please make public the court’s calendars? Specifically, what day are “RFO days” and what day does the court hear trials.”

All three SLO family law departments are dark part or all of every Friday so that we can have settlement conferences for each other. We encourage you to take advantage of this option.

Judge Erin M. Childs - Dept. 7

	Monday	Tuesday	Wednesday	Thursday	Friday
8:30	Special Sets	Special Sets	Special Sets	Special Sets	
9:00	Non-Appearance Status Conference Clerk set 2 nd /Court Set 4 th Monday & Trials	Trials	RFO Calendar	Trials	Judge Set Only
9:45	Ex Partes	Ex Partes	Ex Partes	Ex Partes	
12:00	Noon Recess	Noon Recess	Noon Recess	Noon Recess	Noon Recess
1:30	Trials	Trials	Trials	Trials	Judge Set Only

Commissioner Kenneth McDaniel - Dept. 11

	Monday	Tuesday	Wednesday	Thursday	Friday
8:30	Special Sets	Special Sets	Special Sets	Special Sets	Special Sets
9:00	Trials	RFO Calendar	DV Calendar Trials	Trials	Trials
9:45	Ex Partes	Ex Partes	Ex Partes	Ex Partes	Ex Partes
10:30				Family Support Calendar	
12:00	Noon Recess	Noon Recess	Noon Recess	Noon Recess	Noon Recess
1:30	Trials		Readiness/Trials Setting Conference Status Conference	Family Support Calendar Trials/ Status Conference 3 rd Thursday	DARK

Judge Matthew Guerrero - Paso Robles - Dept. P1

	Monday	Tuesday	Wednesday	Thursday	Friday
8:30	Review Hearings	DV Calendar	Review Hearings Status Conference 1 st Wed- Court Set 3 rd Wed-Clerk set	RFO Calendar	DARK
9:00	Trial/Mediation	Trial/Mediation	Trial Medication		DARK
9:45	Ex Partes	Ex Partes	Ex Partes		DARK Ex Partes only
12:00	Noon Recess	Noon Recess	Noon Recess	Noon Recess	Noon Recess
1:30	Trials/Hearings	DV Calendar Overflow Trials/Hearings	DARK	Trials/Hearings	DARK

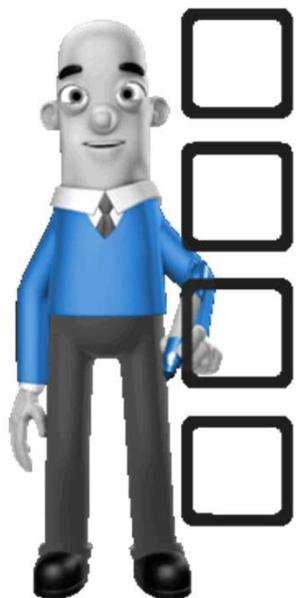
Santa Maria Family Court:

- SM 2 – (Rigali) Wednesday mornings
- SM 3 – (Staffel) Thursday mornings
- SM 4 – (Beebe) Tuesday often all day

**Our intention is to open lines of communication with Family Law Department in Santa Maria to see if we can reduce calendar conflicts going forward.

“If we could know when the court hears certain matters, it will be easier for us to secure a court reporter. When should we expect a court reporter and when should we not?”

- There is a court reporter shortage up and down the state. We have 8 of 12 court reporters.
- Remote hearings are very hard on court reporters physically. Many injuries. (Neck, back, wrist.) People tend to forget they are there and talk very fast, talk over each other, interrupt. Difficult to make a clean record.
- Criminal courtrooms have priority to the court reporters. Civil and family law have unpredictable coverage.



We need to rethink the way our calendars are structured if we are going to keep Zoom.

We need your ideas...

“If we do *Zoom*, can there be real consequences for people who show up on a boat or at an arcade?”

Question of the day #1: What is the future of Zoom in our court?

“Can the bench please align on assignment of minor’s counsel. The list should be public and the way the court appoints should be transparent. Also, we should know the cost to our clients at the outset.”



Which attorneys seem right for this particular case;



Which attorneys are taking cases at the time;



Conflict checks are run by their office;



Any objections by either side to proposed MC are considered;



MC is chosen and appointed.

Current Minor's Counsel List

Robert Bettencourt

Marie Comstock

Jude Egan*

Tammi Faulks

Gregory Gillett

Johnathan Hosford

Valerie Hosford

Lester Paredes

Alexandra Poletti

Kevin Ramey

Rae Jean Shore

Helen Silva

Helen Zajic*

*If you don't see your name on this list and it should be,
please contact Valerie Hosford or Robbi Rizzo.*

**Not taking cases at the moment.*

“There should be a video on what it means to consent to a commissioner. I have had lots of questions on what that means lately. There should be signed consent to a commissioner so that there is a record other than court minutes.”

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO STREET ADDRESS: <input checked="" type="checkbox"/> San Luis Obispo (1035 Palm St., San Luis Obispo, CA 93408) <input type="checkbox"/> Paso Robles (901 Park Street Paso Robles, CA 93446) MAILING ADDRESS: 1035 Palm Street CITY AND ZIP CODE: San Luis Obispo, CA 93408 BRANCH NAME: Family Court		FOR COURT USE ONLY
PETITIONER:		CASE NUMBER:
RESPONDENT:		
NOTICE AND ACKNOWLEDGEMENT CONSISTENT WITH CALIFORNIA CODE OF JUDICIAL ETHICS; STIPULATION AND CONSENT TO COURT COMMISSIONER AS TEMPORARY JUDGE		

IT IS HEREBY STIPULATED AND AGREED, that all proceedings in the above entitled matter, including but not limited to: determinations of issuance of protective orders, trial, adjudications of contempt, judgments and sentencing; may be heard by Commissioner Erin M. Childs, a San Luis Obispo County Superior Court Commissioner, and a member in good standing of the State Bar of California, sitting as a temporary judge as appointed by order of the Presiding Judge of the San Luis Obispo Court. [Cal. Const., art. VI, §§ 21-22.]

Dated: _____

CLIENT	ATTORNEY
_____ Petitioner	_____ Attorney for Petitioner
_____ Respondent	_____ Attorney for Respondent
_____ Claimant/Other Party	_____ Attorney for Claimant/Other Party

Interpreter Witness Declaration

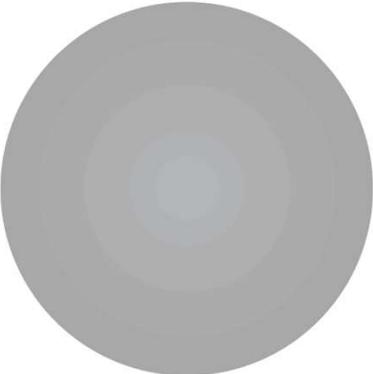
Interpreter The Petitioner Respondent is unable to read or understand this Stipulation

IRMO Djulus (2017) 10 Cal.App.5th 1042 - For a stipulation that a matter may be heard and decided by a temporary judge to be valid, the stipulation need not be in writing or be the result of an express oral statement, but it may be implied as a result of the conduct of a party or the party's counsel under the “tantamount stipulation doctrine,” which requires evidence in the record to show a party or the party's counsel was aware that the judicial officer sitting on the bench was a commissioner rather than a judge and nonetheless participated in the cause.

See In re Steven A. (1993) 15 Cal.,App.4th 754 re discussion on duration of stipulation from “proceeding” to “new proceeding.”
It's not black and white...

Don't forget CFC §4251 (DCSS stips)

Video, pictures and other technology in the courtroom



We cannot insert any USB or access any link on our computers.

Have staff log into Zoom and share screen.

You can log into Zoom and share screen.

WiFi network:
Password:

SLO-GUEST (all caps)
whyR1ess (wireless)



But the WIFI Connection is HORRIBLE in the courthouse!

California Rules of Court Rule 2.1040 (b)(1)

Electronic recordings presented or offered into evidence

Mark your transcript as a separate exhibit.

...

(b) Other electronic recordings

(1) Except as provided in (2) and (3), before a party may present or offer into evidence any electronic sound or sound-and-video recording not covered under (a), the party must provide to the court and to opposing parties a transcript of the electronic recording and provide opposing parties with a duplicate of the electronic recording, as defined in Evidence Code section 260. The transcript may be prepared by the party presenting or offering the recording into evidence; a certified transcript is not required.

(2) For good cause, the trial judge may permit the party to provide the transcript or the duplicate recording at the time the presentation of evidence closes or within five days after the recording is presented or offered into evidence, whichever is later.

...

“Can the court remind us on how to label our exhibits.... Can the court align on how they want exhibits to be labeled?”

- See: Family Law Policies and Procedures Manual, 2:10.1(2)(a)&(b)

This is a perfect topic for a “How-to” video.



Trial backlog... (Question of the day #2)



A day in the life of a Family Law judge

How do we reduce trial setting time? How do we streamline the trials that are set?



Only set cases that are truly ready for trial.



Hold people to their time estimates.



Suggestions...???

“What does the court mean by ‘meaningful meet and confer’?”

“A determination of whether an attempt at informal resolution is adequate...involves the exercise of discretion. The level of effort at informal resolution which satisfies the reasonable and good faith attempt standard depends upon the circumstances...Judges have broad powers and responsibility to determine what measure and procedures are appropriate in varying circumstances.” Obregon v. Superior Court (1998) 67 Cal.App.4th 424, 431.

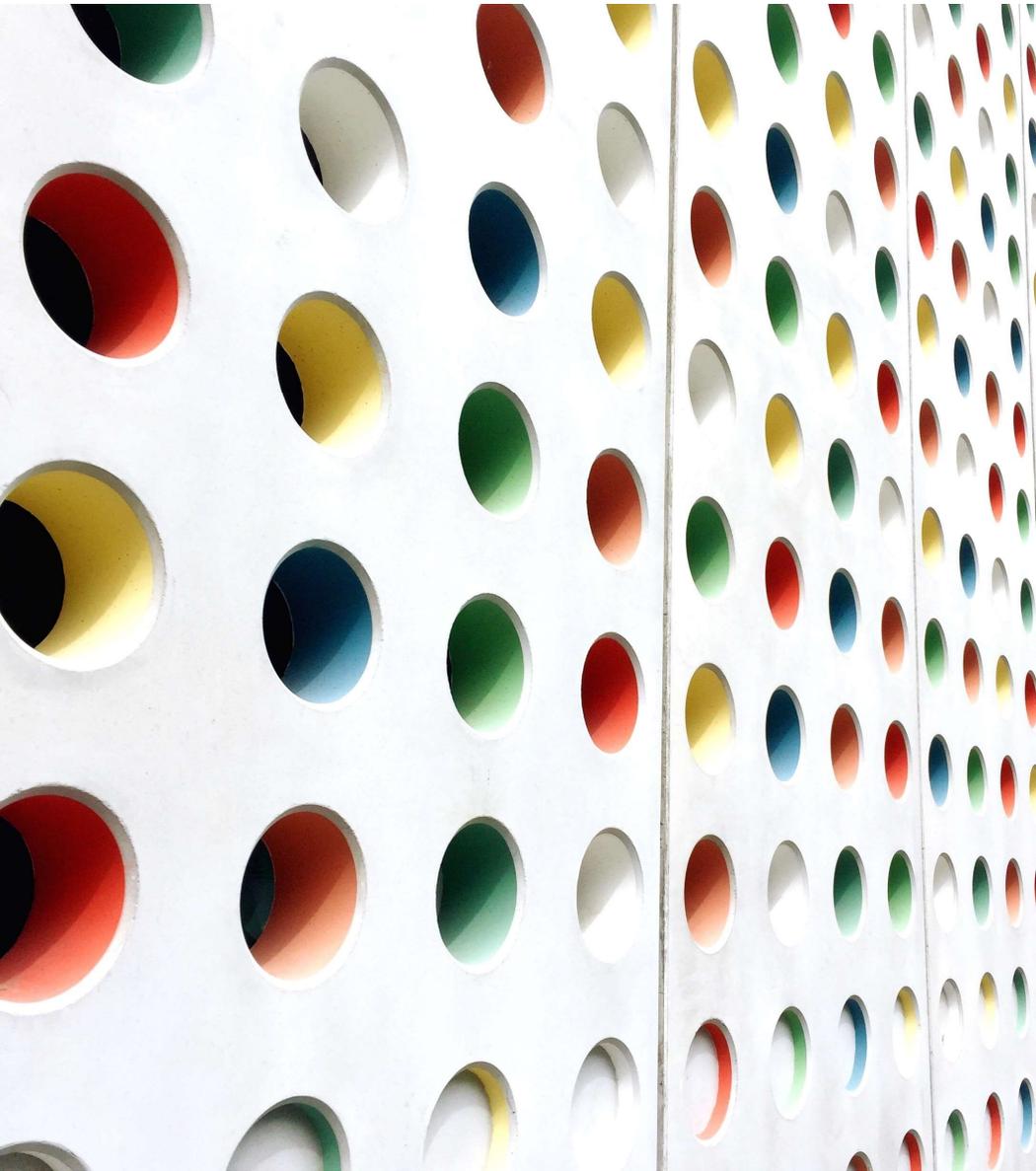
For the bulk of our cases, we believe this means:

1. Giving the matter your full attention;
2. In a setting that is quiet with few distractions;
3. In person or by Zoom;
4. Where you have prepared and reviewed the file;
5. And prepared with your client;
6. To sit down together with the other side (who has done the same thing);
7. And make reasonable efforts to resolve some or all of the issues set for hearing or trial.

Proposed Standing Order effective March 1, 2023

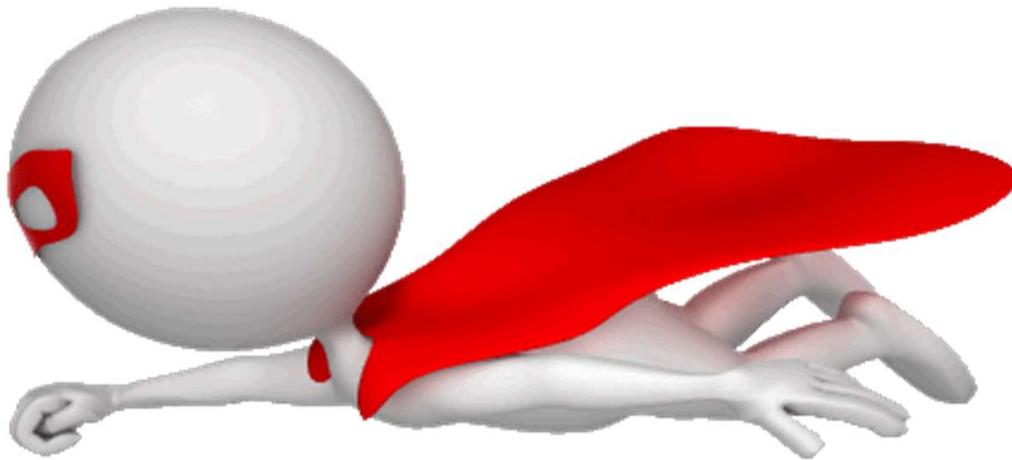
- Currently a work-in-progress.
- Idea is to have one order for all three courtrooms that applies to any new case filed, or new filing in an existing case.
- It will address:
 - Civility and Professionalism in FL courtrooms
 - Limitation of continuances and extensions of deadlines
 - Limitations of speaking objections
 - Structuring Mandatory Settlement Conferences
 - Dates within which parties must have a meaningful meet and confer (CRC rule 5.98)
 - Establishing deadlines for exchanges of witness lists and exhibits
 - Establishing a system of Pretrial Conferences
 - Trial Readiness Statements

Is it working?



Q & A: Judge Guerrero

(TIME PERMITTING)



Thank you
for being
here today!

Now go forth and be awesome.