

Family Law Virtual Town Hall with Judge Gregory Syren
Wednesday, July 29, 2020

ACFLA and ACBA co-sponsored this Town Hall event. Donna Gibbs, Board member of ACFLA facilitated the Town Hall with Judge Gregory Syren and Saundra Greene, Supervisor of Family Court Services (FCS); and Yishai Boyarin, Vice Chair of the ACBA Family Law Section, moderated the Chat.

Judge Gregory Syren, Supervising Judge Family Law, provides updates as follows:

1. Commencing 7/20/20 remote hearings expanded to four sessions per week for RFO Bench Officers with at least one session devoted to long cause hearings or trials. Prior to the COVID-19 closure, there were at least three sessions per week for long causes. Judge Syren is currently doing long cause hearings two sessions per week. On Monday morning he is doing a readiness hearing to see if long cause hearings are set to go on either the Tuesday or Thursday afternoon sessions. PLEASE NOTE: If you are set for a long cause hearing or trial and the case is not ready, the parties have reached an agreement or for any other reason the long cause may not go forward, please let the department know so those slots can be filled.
2. There is a problem with staffing which may affect filing issues that people are reporting. There are 24 departments in Hayward Hall of Justice and only 21 court clerks available right now. Clerks are not necessarily assigned to a particular department. Some clerks float. If there is no clerk available for a department your hearing may be continued.
3. As far as filing documents, there have been delays in Fax Filing which is supposed to file documents within three BUSINESS days and filing by mail, which is sometimes taking up to two weeks. As of now, the best option for filing is using the drop box.
4. After posing the question at the last Town Hall Meeting on 7/8/20, of whether to have smaller calendars and wait longer for a hearing versus be heard sooner with a larger calendar, the overwhelming preference is smaller calendars and wait longer for a hearing. Judge Syren has had to reemphasize with the bench officers that they must stop by 4:30pm. The court's budget does not allow for overtime.

Questions and Answers:

Q: Is there a way to strictly enforce the 20-minute requirement for RFO hearings?

A: No, Judge Syren will not tell the bench officers how to manage their own calendars. Judge Syren personally may cut people off to manage his calendar. He asks if there are any other things the attorneys or litigants want him to know that are not included in the pleadings.

Q: Is it better to provide more information through filing more documents with more evidence?

A: It depends...in a sense the more information that is relevant is helpful, but more volume is not necessarily better if not helpful.

Sandra Greene, Supervisor FCS:

1. FCS is open Monday through Friday. Four staff are taking and responding to calls. They are sending out mediation notices by text or email. If both cell phone number and email are provided, the notices go out by text and email. Therefore, it is important to make sure litigants provide their current email and telephone numbers. If a party is represented by an attorney, if referred by the court, the Bench Officer has parties provide their contact information. Otherwise, instruct your clients to be pro-active to provide their current contact information to FCS either by telephone at (510) 690-2500 or email: familycourtservices@alameda.courts.ca.gov. Day-of-court mediation is still happening.

QUESTIONS AND ANSWERS

Q: Do mediators still consider collateral contacts since working remotely?

A: Yes, all minor interviews are done via BlueJeans. Collateral contacts do create delays if waiting on a return call from a therapist or other outside sources or waiting to obtain a release, etc. If a case may have a delay, Ms. Greene will encourage mediator to advise the court and litigants.

Q: Since FCS mediators working remotely, are they still filing reports in Domain?

A: Yes, Ms. Greene will check with Charlotte Marin to see if there is a lull between submitting the report and the report showing up on Domain.

Q: What happens if a mediation is not complete or there is some type of clerical error like the report contains a wrong date?

A: Once the FCS Report has been filed, it cannot be modified. The mediators are trained to refer to the Court Minutes to see what issues are to be addressed in mediation as opposed to relying on the parties who are often at odds as to what is to be addressed. Therefore, it is important to make sure there is a good record of what is to be mediated in the Court Minutes. If the mediator does not address issues contained in the minutes, let Ms. Greene know so that she can take it up with the mediator. *(Editors' note: A well-defined FOAH works for this process, in case the Minutes are not complete.)*

Q: What is the best practice to get a mediation appointment prior to the hearing?

A: The party must file a modification of child custody and visitation or it must be a new case without existing custody orders for the court to refer to FCS prior to a hearing. During the closure, FAX Filing was not stamping cases that required mediation prior to the hearing, but that has been rectified. If an RFO has been filed that is for modification or is requesting initial custody orders and does not have a stamp to make a mediation appointment with FCS before the court hearing, contact the Clerk. If a case has no custody orders and the parties did not go to mediation prior to the hearing, then they should do Day-of Court Mediation. *(Editors' note: The Court is reviewing possible pre-hearing referrals to FCS in certain initial custody orders. Further discussion will be had.)*

Q: There have been problems with parties receiving calls from FCS from a blocked number. What should they do?

A: Ms. Greene has added to the text notification for FCS Mediation appointments that the parties are advised that they will receive a telephone call from a blocked number for the mediation appointment. Attorneys can help prepare their clients to expect calls from a blocked number for their mediation appointment. Use of text messaging and email messaging can help with contact.

Q: What is the best way to get a document to a mediator to consider for mediation?

A: The best way is to file documents with the court. The FCS Mediation Report should reflect in the Report what documents were relied upon in making recommendation.

Q: Findings and Order After Hearing (FOAH) may be more reliable than the Court Minutes regarding what is to be addressed in FCS Mediation. Do mediators consider FOAHs?

A: Yes, and where there is a concern that something was missed, the more details the better. If an issue was not addressed it is a performance issue which Ms. Greene needs to be notified about so she can address it with the mediator.

Q: What is the best way to submit a complaint about FCS?

A: FCS has a standard complaint form which the party requests and the form will be emailed. The party is then encouraged to email back the completed complaint. Ms. Greene reviews all complaints.

Q: What is the best way to get contact information about a client to FCS for mediation appointments?

A: Encourage clients to contact FCS with current contact information. FCS has staff in place and they are setting appointments.

Q: How is FCS handling interview of minors?

A: Mediators are only doing interviews of minors by BlueJeans. They want to see the minors and make sure no one is trying to influence the minor being interviewed. The mediator is scheduling the interviews.

Q: What if the document that a party wants to share with mediator is confidential and not to be filed?

A: Information may be received by email. If confidential, but not necessarily confidential to the parties, the other party should receive a copy of the confidential document provided to the mediator. If the document is confidential to one party, it is up to that party whether to share with the other party. The document, although confidential, should be generally referenced in the FCS Report. In the case of CPS Reports, which may not be made part of a public record, send CPS Reports by email or FAX to FCS. CPS Reports should be sent directly to Ms. Greene, not the general FCS email: sgreene@alameda.courts.ca.gov. FAX number: (510) 783-4297.

Q: What if documents were filed, but there is a delay in the documents appearing in Domain?

A: Email documents to Ms. Greene and indicate that the document has been filed, just not yet posted on Domain. Commissioner Nikki Clark reminds everyone to comply with CCP §1005 filing and service requirements. As a reminder, even though FAX Filing has a guarantee of filing documents within three business days, it is not always getting done. If you want a guarantee that documents will get filed in a timely fashion, the drop box is the most efficient mode of filing.

Q: How are Ex Partes being handled by the case's home department?

A: Until recently, Judge Syren has been assigning Ex Partes to whichever Bench Officers were available to review Ex Partes, initially during the court closure and then in the limited opening, so Ex Partes were not necessarily being reviewed by the case's home department. Judge Syren has an upcoming meeting with the Family Law Bench Officers and he will discuss having each home department review their own cases in which Ex Partes are submitted.

Q: What is the current Judgment turnaround time?

A: Judge Syren assigned Commissioner Bishay to check on the Judgment review process and he is doing that. They are still having delay issues, which may be related to staff shortages. The current turnaround time is about 30 days. They currently have 97 Judgments in the pipeline to be reviewed and processed. The goal is to reduce the turnaround time to 2-3 weeks.

Q: What is the status of furloughs?

A: It is anticipated that Alameda County Superior Court will take a \$8-9 million hit and a bailout from the federal government is uncertain at this time. In anticipation of the budget shortfall, the court has issued an order that all Alameda County employees, to include Court Commissioners, take one Friday off per month. One-half the staff will take the furlough day off on the 2nd Friday of the month and the other half on the 4th Friday of the month. Please be aware that these staff shortages will affect court filings. The furloughs will not affect courtrooms since Commissioners do not have court sessions on Fridays with the exception of Commissioner Bishay.

Q: Are court reservations for court hearings happening now?

A: Judge Syren does not know if reservations are being done. The last word from Charlotte Marin was that no reservations were happening.

Q: Are there any updates regarding the interpretation process?

A: No updates. As previously reported, a vendor to translate the BlueJeans invitations has been approved and now just waiting to get done. Interpreters should know about using the phone bridge. The problem is usually with interpreters that have been contracted with the court who are not familiar with the phone bridge process. When the phone bridge is used in a case that

requires interpretation, it is very helpful. When using the phone bridge, make sure your client has a separate device or it won't work.

Q: Is there any update about getting information for Parentage cases?

A: Forward parentage documents to Ms. Greene if they need to be seen by mediator. Judge Syren is considering assigning a person (an attorney) to act as a liaison between attorneys and the court to get documents that attorneys need in a Parentage action.

Q: How do attorneys provide feedback to Judge Syren?

A: Provide feedback through ACBA and ACFLA, who in turn will communicate with Judge Syren.

For COVID-19 latest news, remember to check the Alameda County Superior Court website www.alameda.courts.ca.gov.

NEXT TOWN HALL SCHEDULED WEDNESDAY, SEPTEMBER 2nd AT 12:00PM.