

HOW TO COMPLETE FORMS

Courtroom Protocol form (1 form only per docket)

1. *What time as the docket scheduled to start?*

2. *What time was the docket called?*

The docket may be scheduled to start at 8:30a.m. but not start until 9:00a.m. Note what the judge was doing during this time, if there is a time gap.

3. *Were parties separated to different sides of the courtroom as they entered? (either by bailiff instructing them, during check in, sign posted, etc)*

Self-explanatory.

4. *Was the whole docket called prior to starting to see who was present?*

Self-explanatory.

5. *Did the judge explain the court process to the parties, either verbally or through a handout, before the hearing?*

The judge may tell those in the courtroom what is going to happen after s/he calls the docket or the bailiff/clerk hands out a piece of paper that explains the process.

6. *Did you see advocates speaking to Petitioners prior to court starting or their cases being heard?*

Did you observe advocates speaking with any petitioners prior to the docket or after the docket is called. They may not speak to each one, but overall did you see advocates speaking to the majority before default or full hearings started?

7. *Were advocates accessible throughout the court proceedings?*

Advocates may leave from time to time to assist Petitioners, however did you view them as accessible when needed?

8. *Were No service/No return cases either handled first (County) or handled on the side by the clerks/advocates (City)?*

Depending on the court you are in, you may observe different approaches. In the City, the clerk assists with no service cases and the judge will announce this after s/he calls the docket. In the County, the judge will call cases with no service to the bench first before hearing other cases, and only the Petitioner will come up to the bench.

9. *Did it appear that cases with one party were called up to the bench before cases with two parties?*

Generally in the City and County, the judge will hear default cases first, these are cases where the Respondent does not appear, so only the Petitioner is testifying during a default hearing.

10. *Did the judge call the Respondent's name before proceeding as a default?*

Self-explanatory.

11. *Was there a bailiff in the courtroom at all times?*

Sometimes the bailiff has to leave the courtroom, but has another bailiff come in, so if there is always a bailiff in the courtroom, mark yes.

12. *How closely was the bailiff monitoring the courtroom?*

Was the bailiff paying attention to court proceedings and the litigants sitting in the courtroom, and not sleeping, on the phone or distracted by other activities?

Case Observation form (20) forms per docket

1 & 2..Was the Petitioner or Respondent represented by an attorney?

Attorneys will be standing with their client at bench. You may see the judge call attorneys up to the bench when asking about what is going on with a particular case. During the hearing, if the party is represented by an attorney, the attorney will be asking them questions.

3. & 4. Did the Petitioner or Respondent need a language interpreter

If the Petitioner or the Respondent does not speak or understand English well, or is hearing impaired, they may have an interpreter to assist with the hearing. If this is the case, you will see a person translating the testimony of one or both parties from the language spoken by the litigant to English. Mark N/A if they are English speaking.

5. Was a Guardian Ad Litem, volunteer lawyer or mediator involved in some way to address custody? (mark N/A if no children)?

Look for someone talking with the Petitioner before or after the hearing. In the city there is a representative from family court that assists the Judge in setting up visitation. This occurs after the hearing. The GAL will be pointed out to you and typically works with a team of legal interns. For the county, the GAL begins calling people's names and speaks to both parties individually. The Court Watch Coordinator can assist with pointing out the GAL/volunteer lawyer.

6. Was Batterers Intervention Program or Substance Abuse treatment discussed? It does not have to be ordered, but did the Petitioner ask about it or the Judge ask parties about it? Was there discussion of any kind around this topic?

7. & 9. Did the judge treat the Petitioner and Respondent with respect?

Was the judge attentive when she/he was testifying? Eye contact made, tone of voice, etc.

8 & 10. Did it appear that the Petitioner or Respondent was given a chance to be heard?

Did the judge allow each party to tell her/his story without interrupting, blaming the Petitioner, and was the judge attentive when she/he was testifying?

11. Was a full order of Protection granted?

You will be able to tell if the judge granted the Order of Protection if s/he says that the Petitioner met her burden and an Order of Protection for a certain time period is granted. If the Judge indicated Insufficient Evidence or "did not meet burden" circle Insufficient Evidence on form and mark NO.

12. Did the judge explain the ruling and elements of the order in plain language?

If the judge explains the ruling with words that are not legal terms and they are easy to understand by a lay person, mark yes. Did the judge explain what the Respondent can or cannot do is important here. If not, state No. If they just said "granted" with no explanation, mark No.

13. Was there a discussion about firearms or firearm retrieval?

Self-explanatory.

14. Was consequences of breaking the order explained to the Respondent?

Mark N/A for default hearings. Did the judge plainly tell Respondent what will happen if he breaks order. Self-explanatory.

15. Was precaution taken to ensure the separation of Petitioner and Respondent before the proceedings?

Self-explanatory. If so, mark yes.

If this is the case, you should watch the parties as they are called up to the bench. Were they on the same side of the courtroom?

16. Did the bailiff stand near the parties during testimony (City) or were the parties seated at the table (County)?

If so, mark yes.

17. Was precaution taken to ensure the separation of Petitioner and Respondent after the proceedings as they waited for paperwork?

Did you observe the bailiff tell the parties to sit away from each other or opposite sides of courtroom as they waited for paperwork? If so, mark yes.

18. Was the respondent held in the courtroom to allow the petitioner time to safely leave the courtroom and courthouse?

This may be hard to ascertain, but look for the bailiff standing near the respondent and the petitioner leaving before the respondent.

19. Overall, was the Bailiff attentive during this hearing? (Circle one)

This is only for this particular hearing, not for the entire docket.

20. In your opinion, did the proceedings seem controlled, efficient and serious in nature? (circle one)

If you were one of the parties, would you say that the time you were in court was efficient, taken seriously by the court staff, and you left understanding what happened? Or would you have felt shuffled through, not knowing what happened or what to expect after?

This project was supported by Grant #2015-FJ-AX-0009 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.