

Domestic Violence Cases Merit New CJA-Affiliated Judicial Association

Proposed Guest Op/Ed.

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What can California's judges do to help Chief Justice George improve the way domestic violence cases are handled?

That's a question raised by last summer's blistering report from California state Attorney General Bill Lockyer's Task Force on Local Criminal Justice Response to Domestic Violence. Among its other conclusions, the AG's sharply critical report documented worrisome weaknesses and inconsistencies in the way domestic violence cases are adjudicated in California, including the failure to remove firearms from the recipients of restraining orders in some jurisdictions, notwithstanding legal requirements.

The issues raised bring to light the need for more participation by members of the California Judges Association (CJA) in areas of professional development including training, education, resource sharing and appropriate legislative advocacy related to domestic violence. They also highlight the need for a new CJA-affiliated association populated by judges who have experience in domestic violence cases. A new judicial association on domestic violence would be of great value to the judges who sit on those cases. The association could provide judges with assistance in a very tough area of the law, including by operating listserves that circulate news about effective strategies, new resources, referrals, and by providing moral support. It could also review, develop and, most critically, periodically refine and improve best practice recommendations to make them more useful and timely. The need for this approach is particularly acute in the domestic violence arena given the recently documented inconsistencies in approach.

The best way to make that happen is by making sure judges are more deeply involved, under the auspices of our California Judges Association, in the job of understanding and remedying the issues at hand. An early model of this type of involvement can be found in the good works of the CJA-affiliated Juvenile Court Judges Association of California, which was established after Santa Clara County Judge Leonard Edwards convinced our colleagues that special cases merit special resources. In a similar vein, a CJA committee currently in operation in the area of probate law is well positioned to assist in efforts to improve conservatorship procedures, which is another area where momentum for reform is building in response to public pressure. Problems in probate law were highlighted last November by the Los Angeles Times, which published a scathing investigative story

documenting lamentable abuses of current procedures, including an instance where a conservator billed a client's estate \$1,700 for attending her funeral, and another where a conservatee was forced to pay \$170 for the delivery of less than \$50 worth of groceries.

In January, Chief Justice Ronald M. George announced the formation of a new statewide task force charged with making recommendations for improvement in the management of probate conservatorship cases in California. The Chief Justice's new probate reform task force takes its place alongside a domestic violence task force he empanelled last year after the release of the report from the AG's panel. Both groups are looking at ways to improve the system. Unlike the probate reform efforts, however, there is no standing CJA committee on domestic violence in place to assist in formulating or implementing strategies to improve outcomes.

As in the juvenile justice arena, the special nature of domestic violence cases necessitates more than just a committee. The Juvenile Court Judges Association has a large and diverse membership, in part, because juvenile cases often cut across several disciplines, including delinquency, dependency and family law. Domestic violence cases are often even more multidisciplinary. They frequently involve criminal, juvenile, dependency, family, probate and civil divisions. The comprehensive and inclusive approach established by the juvenile court judges would be valuable in the legally and socially complex domestic violence area, as well.

To be sure, Judges are among those included on both the probate and domestic violence task forces named by the Chief Justice, along with law enforcement personnel and other interested parties. There is a clear and pressing need for those efforts. They merit our full support. At the same time, they are not a substitute for even deeper judicial involvement.

The CJA is in an excellent position to take on the role of helping to give birth to this new affiliated association devoted to domestic violence. Like most judges, I am grateful we have an organization that looks out for us. The CJA should continue to emphasize its traditional primary concerns on topics such as remuneration, facilities and pensions. Those are issues that would likely go unaddressed were it not for the tireless advocacy of the CJA. But we must also work harder and in a more systematic way on issues of concern to us that are being investigated by others. Taking on more of those responsibilities will have a direct and positive impact on how we do our work and how the public perceives that work. Establishing this new association will require not only more from the CJA but also more from the individual judges whose membership will

bring the organization life. In this new arrangement, the dues that will make the most difference are the dues paid in the currency of time, by sharing ideas, expertise and experience.

Special CJA-affiliated associations and committees can also make meaningful and welcome contributions to the deliberations of the task forces currently in operation. It's possible the recommendations of these groups may not be accepted by the task forces or by the legislature. On the other hand, if members of the CJA do not develop more avenues to tap the expertise of the judiciary in areas of judicial reform, the failure will be entirely ours.

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