

FAMILY COURT OBSERVATION Fenton

The objective of this assignment is to introduce you to the reality of the family court judicial system and give you a real-life context for your scholarly work in this class.

You will be required to attend a court proceeding with a family court Judge or General Magistrate for a minimum of a one-hour evidentiary or special-set hearing, though you must stay for the entire hearing for whatever proceeding you choose to observe.

You may attend any proceeding in Miami-Dade or Broward County before a Judge or General Magistrate in the following divisions: Family, Unified Family Court, Child Support Enforcement, Domestic Violence, at the main courthouse or any of the satellite courthouses.

You may not observe Motion Calendar, Status Conference, Case Management Conference, or Uncontested Final Hearing Calendar.

This required assignment is due by the beginning of our last day of our class in person and must be typed. I will not accept late papers so prepare accordingly. This is not a group assignment --- do this individually. You must each attend a different court proceeding. You may not use any prior court attendance or attend court in your capacity as an employee of a law firm or judicial clerk to fulfill this requirement. You must attend a proceeding with the specific and sole intent of fulfilling the requirements for this class.

Failure to comply with these requirements listed above will result in an automatic 0 on your paper and, depending on the gravity of the lack of compliance, I reserve the right to fail you and forbid you from sitting for the final examination.

The contact information for the Miami-Dade County judges and general magistrates is located at <http://www.jud11.flcourts.org/>. I recommend calling in advance and speaking to the judicial assistant to determine when an evidentiary hearing or trial is happening – they can also lead you to more interesting cases and hearings. You may also access the list of Board-Certified Marital and Family Law Attorneys at www.flabar.com and contact these attorneys' offices to observe a court proceeding. This observation assignment is *due prior to the negotiation assignment* on the syllabus. **A specific due date** will be identified for you during an early class.

Introduce yourself to the judge and general magistrate – ask the bailiff at an appropriate time for an introduction. You should also introduce yourself to the attorneys, if they seem approachable or willing, and, if you speak to either or both of the attorneys, be sure to smile, shake hands, or otherwise acknowledge or be pleasant to the parties. In past semesters, students have been invited to the chambers of the judge or general magistrate after the hearing, several students were approached by the parties to ask for their impressions, one student was invited to sit next to the judge and assist in handling her files and documents during the proceedings, and one student was offered a family law clerking job by an attorney she observed.

There is no page limit.

10 points: Attach to your essay

- 1) whatever Motions(s) is/are being heard that day in court (the bailiff or clerk should be able to make you a copy) and
- 2) the docket sheet for your case, which is available on the 14th floor or at www.miami-dadeclerk.com and
- 3) to the extent an Order was written at the hearing's conclusion, a copy of the Order. If you are attending a trial, attach the relevant pleadings (Petition, Counter-Petition) and Pre-Trial Catalogues. You may also attach any documents from the court file that you find relevant to your paper.

- 1) 10 points: Answer the following questions in question and answer format first:
 - a. Which judge's courtroom did you attend?
 - b. When did you attend (day and time [start and end of your observation])?
 - c. What type of case did you observe (dissolution or marriage, paternity, post-judgment) and what specific issue or Motion was being heard?
 - d. What are the names of the participants (judge, attorneys, or pro se litigants) and parties?
 - e. Was anyone else present in the courtroom and what was their purpose (court personnel, witnesses, interpreter, court reporter)?
- 2) 30 points: In paragraph and narrative form describe what you observed, in detail, in terms of the issue pending before the court and the format of the hearing.
- 3) Finally, address the following questions in paragraph and narrative form. Preface each section with the subsection you are addressing:
 - a. 5 points: Were the participants prepared and professional? What would you have done differently if you were in their place?
 - b. 5 points: Was the judge professional, prepared, and attentive? What would you have done differently if you were in his/her place?
 - c. 5 points: Was the judge a participant or an observer? How did their style mesh with the type of case and/or litigants before him/her?
 - d. 5 points: Were the issues resolved to anyone's satisfaction? Should they have been? If the hearing did not conclude, was it reset for a later date, and if so when?
 - e. 15 points: How did the courtroom observation fit with your expectation of the judicial process?
 - f. 15 points: What did you learn and how does it relate to the concepts that we have discussed in class? (Take this as an opportunity to be thoughtful and critical.)