

October 20, 2020 – Legal Perspectives from Both Sides of the Bench

Rita Ugarte, our guest speaker, is currently a **GAL Program attorney**. She began with the GAL program in 2000 and was with us for 7 years. She then became the **program director for Unified Family Court**. Then Rita went to Broward County where she was a **General Magistrate** in Dependency, Unified, and Family Court. She also heard Baker and Marchman Act proceedings. Her last 5 years as a Magistrate were in family court. Rita is now back with us as a GAL program attorney. One reason she loves dependency is because there is clearly right and wrong.

When there is a new Judge or GM, they are sent for 3 days to “judge school.” Then, once assigned a track, they go to advanced judicial college for another 3 days. This works fine for judges serving in only one division, but it is problematic for Unified Family Court where a case has multiple components with different tracks since the judge has not been trained in all the underlying divisions.

Since Rita has seen it from “both sides of the Bench,” she has some very important tips for us:

- **Facial expressions are a big deal!** The Judge/GM faces you (same thing for the parents). **Maintain your poker face – use your voice instead of your face**, not only in hearings, but in trials as well.
- **Prepare for your hearings.** It is crucial to prepare in advance. Speak to your attorney before the hearing. They need to know what you know and what you don’t know. They need to know what you wish to say.
- **Be precise and concise.** Judges/GMs have a full docket, and you want them to pay attention to what you are saying.
- **Bias --** Judges/GMs can tell when you are biased, for or against a parent. **Save it for TPR trial or reunification hearing. Bias hurts credibility. It is okay to have feelings, but don’t show them at individual hearings so you are most effective when what you say counts the most.**
- **Don’t assume all Judges/GMs have common sense.**
- **Try to present solutions --** not all Judges are familiar with services. If you have information that will assist in solving a problem, even if it isn’t a legal issue, share it with your attorney and the Court.
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- **Testifying during a trial:** Defense attorneys will try to rattle you and get you to say things or display attitude. **DO NOT respond in kind!!** Just answer the question and give your attorney an opportunity to clean up what you said on cross examination.
- **Be the witness the Judge can rely on!**

Zoom Etiquette:

- o The judge can see what you wear -- dress professionally or wear a solid color.
- o Get rid of the crazy backgrounds -- no bridges, etc. It cuts off your face when you move.
- o Watch your facial expressions.
- o No eating
- o Keep your video off until your case is called, then turn on your camera. Name yourself (i.e., GAL Jane Doe – Castro Case)

Final Tips:

- **Best ability is availability.** It is very difficult for a Judge/GM to tell a GAL “NO” if the GAL is present. In the very beginning of a case, it is very important to appear in person, if possible. It enables the Judge to connect the GAL to the case.
- Don’t assume all the Judges read your reports. Prepare bullet points when you address the Court and make your attorney aware beforehand of what you want to say.
- Keep your GAL team (CAM & GALA) posted as things arise. Don’t wait until right before a hearing to communicate with your attorney. They want to hear from you all the time as you learn things that are important.
- Document things that happen during Zoom hearings or visitations. (if you see a parent on the phone the whole visit with the child -- rather than focusing on the child, etc.). Much evidence now comes from social media.
- Many of our kids are placed in other jurisdictions, especially the tri-county area. If you have resources or services in those areas, please share. Sometimes a service is not available in Dade, but may be available in Broward. Resources can also be found on our Guardian website. www.wearemianguardians.org