

Tips for Judges New to Dependency (and Just Plain New!)

Managing the Workload

- Do the prep work on your cases for the next day: read the electronic case file, flag key documents in Judge Edition, know the issues in dispute and the applicable law, and start the order (especially in dependency cases).
- Save as much information as possible electronically, in an organizational system that works well for you.
- Avoid taking rulings under advisement. Rule from the bench as much as possible. It is helpful to parties to have an immediate decision, plus writing takes a lot of time that you will generally not have.
- Ask the lawyers to bring you the information you need to make a good and informed decision, such as citations to cases or other relevant law.
- Work with a mentor from another court. Brainstorm difficult issues with experienced dependency judges. Watch other judges handle hearings.
- You can fix any mistake you make.
- In difficult cases, consider ordering a Family Decision Meeting prior to the next hearing.

Managing the Courtroom, the Parties and Yourself

- Take the bench on time. That said, take the time you need to get ready to take the bench; they can't start without you. If you are late taking the bench, apologize and thank the participants for their patience.
- Especially with self-represented litigants, explain how the hearing will proceed, and outline the law you will be applying. Reassure the litigants that both sides will have a chance to speak and be heard.
- Ask everyone in the courtroom to introduce themselves. Be respectful by asking people about the proper pronunciation of their names and about what gender pronoun they prefer if you are unsure.
- Make sure to hear from everyone who has a right to be heard, including foster parents, grandparents, CASAs and children. Listen to others who have important information to share such as mentors, treatment providers, etc.
- Don't hesitate to ask questions -- of the litigants, their lawyers and of other judges.
- Admit what you don't know.

- Nip disruptive behavior (such as interruptions) in the bud and set appropriate boundaries right away, kindly but firmly. Explain why the rules are important.
- Learn techniques to deescalate tense situations and reduce conflict.
- Remind lawyers and parties who are rude and aggressive, or who bluster and grandstand, that you are the one who needs to be informed and persuaded, and that such behavior is neither informative nor persuasive.
- Thank lawyers for their professionalism when they demonstrate it.
- Remember that the people who appear in front of you, especially in dependency cases, are often traumatized and in pain. Be calm, patient, generous, humble and kind. Learn about the impacts of trauma and use that knowledge to inform your practice and your courtroom environment.
- Be thoughtful and sensitive in your remarks in court, remembering who is present in the room and how they may hear what you say.
- Think carefully about how to involve children in hearings and case planning; judicial views vary on this subject.
- Try to listen more and better. More listening, less talking.
- Learn to give bad news in a graceful way, in a “good news bad news sandwich.” Start with the positive, deliver the difficult news, then follow with more positive. Demonstrate empathy.
- Explain the reasons for your rulings in clear, common-sense language.
- Learn to recognize and address your own biases, many of which are unconscious.
- Educate yourself about the elements of procedural fairness. If you feel your tension or emotion rising in response to what is happening in the courtroom, take a break.
- Consider having yourself videotaped to see whether you sound and appear the way you think you do and as you want to.
- Advise the parent to talk with his or her attorney about what happened in the hearing after the hearing has concluded. This process helps an upset, traumatized parent understand and remember what you have told them. Urge the parent to stay in good touch with his or her attorney especially in the days before the next hearing to review written materials and prepare.

Making a Record

- Support your rulings with clear, detailed and specific findings. In more complex hearings, such as dependency trials, issue a written opinion.
- Be clear in your order about what material you considered in a hearing; follow the procedures in ORS 419A.253 for reliance on exhibits and matters judicially noticed.

Self-care and Personal and Professional Development

- Keep healthy foods in your chambers; studies show that judges do better when they have a mid-morning and mid-afternoon break that includes rest and snacks.
- Participate in as much system improvement work as possible. The quality of the process and the experience of litigants will be enhanced by your unique experience and perspective.
- Also remember that it's OK to say "no" to system improvement and other projects if you are feeling stretched too thin.
- Attend opportunities for social interaction with other judges. Judging can be very isolating, and it's important to build relationships that help you feel supported, renewed and refreshed. Learn about vicarious trauma and about ways to mitigate its impacts.
- Keep your sense of humor and don't take yourself too seriously.
- Take care of yourself, maintaining a healthy work/life balance, engaging in positive activities that give you a mental, emotional and physical break from the rigors and challenges of judging.

Legal Resources

- Familiarize yourself with the model forms – they are a roadmap to the rulings you need to make.
- Read Megan Hassen's cumulative dependency and TPR case law outline.
- Get and read the OSB Juvenile Law CLE binder.
- Use JCIP's bench guides and other resource materials.
- Attend as many dependency and TPR-related trainings as you can.
- Join the Judicial Engagement and Leadership Institute (JELI).