In Support of IDRT GR 40:

Everyone involved in family law understands how tense and conflicted and emotional this area of law is to work within. The more contentious, the worse separating partners can be to each other. The tensions ratchet up as trial becomes more and more inevitable.

Results from trial procedures, while they may be "settled" by a judicial decision, rarely seem to heal the breaches that have occurred. Yet, with children involved, many years might be ahead for parents who have had to go through this process. Clearly, the emphasis on mediation and the requirement to do so (besides mandated exceptions) is based on the premise that agreement can lead to a more productive post-legal family environment, which is also clearly so much better for any children involved with the "contenders."

In the same way that mediation can help force parents to agree, even reluctantly, an IDRT choice can also help lower the tensions, even though it is also a "trial" procedure. It seems to me that it resembles a sort of uber-arbitration, but not quite an all-out fight to the death (as it were).

LLLTs are well-situated to support IDRT preparation. LLLTs can also help clients choose an IDRT process over a full trial if both sides agree, and these options appear likely to reduce the cost of and the numbers of cases that must therefore proceed all the way to the regular trial as now practiced in the counties. Therefore, the costs are reduced for the participants and also to the counties' court dockets.

This can be another valuable tool in the arsenal of alternatives that enhance the long-term futures of separately-parenting-collaborators and that allow more low-income families to have their needs addressed more economically.

Further language could be added that specifies that a longer window of time be given to transition back to a full-trial requirement. Additional discovery might be given another week or two and the now-imminent trial should be further away in time, such as a minimum of a month, so that each side is fully prepared. This ensures that there is time to further prepare for a full trial when a party might not have taken all the actions that style of trial would necessitate. Preparing witnesses and clients for examination and cross-examination necessitate a fair opportunity to successfully complete readiness.

Clear deadlines and a clearly articulated process of transition also avoid prejudicing economically-disadvantaged parties. Another area to explore, perhaps with further input from the county judges who already have experience in this type of trial, is whether one party could use an "informal" process to power-play the disadvantaged party in some kind of unintended consequence.

To me, this opportunity seems a win-win-win. I hope this is an easy choice for the Supreme Court to make, and I look forward to this opportunity becoming a routine choice for solving family law issues.

Thank you,
Miryam Gordon
157LLLT

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To: Linford, Tera
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Please submit my attached document to the comments on the proposed new GR 40. Thank you so much.

Miryam Gordon
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