

FOR IMMEDIATE RELEASE:
February 10, 2011

CONTACT:
Emily Gallup – 530.478.1340
emilygallup@yahoo.com

Kathleen Russell – 415.250.1180
kr@centerforjudicialexcellence.org

Mediator Blows Whistle, Prompts Audit of Nevada County Family Court Services

Court Took Retaliatory Action Against Mediator for Repeatedly Raising Issues

Nevada County, CA – A Family Court Services mediator has prevailed in her grievance against her former employer, the Nevada County Superior Court, prompting an independent audit of the Nevada County Department of Family Court Services. Emily Gallup claimed that Nevada County Family Court Services violated state statutes and rules of court governing the recommending mediation process, while retaliating against her after she raised these issues with courts officials. M. Catherine Jones of Nevada City represented Ms. Gallup.

“The Nevada County Superior Court and its mediators have been using undue influence to pressure parents into custody agreements,” says Gallup. Among the tactics used by the courts, Gallup explained that parents were routinely shown a picture of a young man who had committed suicide the day his parents had been unable to reach an agreement in court. Mediators were also pressured to complete their cases in one hour’s time.

According to Gallup, violations include failure to review legal files and criminal records, failure to contact collateral sources, and failure to follow domestic violence protocol. Gallup maintains that children and families throughout Nevada County have been harmed by the flawed practices of the family court department.

Family Court mediators, like Gallup, are required by law to guide parents into reasonable custody arrangements that protect children’s best interests. Mediators in recommending counties, like Nevada County, are also charged with the task of making child custody recommendations to the court in the absence of parental agreement. These recommendations carry great weight with the court, and are usually ordered.

“Emily’s courageous first-hand account proves beyond a doubt what court reform advocates have been saying for years – and what the recent state audit confirms. Complaints about mediators ignoring criminal records, domestic violence protocols and endangering children’s lives are legitimate,” said Kathleen Russell, Executive Director for the Center for Judicial Excellence, which pushed for the recent state audit.

The order for an audit of the Nevada County Superior Court comes just weeks after the conclusion of a 17-month audit of the Family Court Services departments of Sacramento and Marin counties. The audit of those counties revealed that large numbers of mediators are unqualified, untrained and unsupervised, and that the family courts maintained inadequate complaint procedures for the public. Gallup believes that a statewide audit is warranted at this time.

In a final and binding award dated February 6, 2011, Arbitrator Christopher Burdick found that Gallup “had reasonable cause to believe that the Department of Family Court Services had violated or not complied with state statutes and rules of court in regards to the mediations required by the Family Law Code and the California Rules of Court.” He further ordered Family Court Services to undergo an audit to assess its compliance with

the law. The cost of this audit will be born exclusively by the court, and the results will be released to the public.

Gallup repeatedly tried to address her concerns about the department with her superiors, including the Interim Director, the Family Law Judge, the Human Resources' Director, and the Court's Chief Executive Officer. Ms. Gallup's efforts to bring her department into compliance with the law were unsuccessful.

Arbitrator Burdick found that "the Court took reprisal actions against Gallup for her repeatedly raising and discussing these issues." Retaliatory activity against Gallup included negative performance evaluations, denial of her annual pay increase, and a written reprimand delivered to her the afternoon before her scheduled week-long vacation. She was subsequently terminated from her job on December 21, 2010, prior to the conclusion of the grievance proceedings.

Burdick ordered the court to reimburse Gallup for her annual raise, her leave time, and attorney fees. It is estimated that the court's handling of Gallup's case has already cost taxpayers at least \$100,000.

###