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## **Nevada County Superior Court Found Guilty of Retaliation** *Whistle-blower's case exposes the flaws of an unregulated legal system*

Sacramento, CA –Former family court mediator Emily Gallup prevailed in her wrongful termination lawsuit against the Nevada County Superior Court (NCSC). After three full days of deliberation, a Sacramento jury voted that NCSC was guilty of retaliating against Ms. Gallup. Ms. Gallup was awarded approximately \$313,000 for the financial and emotional damages she incurred. Gallup is represented by M. Catherine Jones and George Allen.

Gallup alleged that her department failed to comply with the California Rules of Court. Gallup reports that family court mediators were making recommendations about child custody without reviewing court files, gathering collateral information, or checking criminal backgrounds. She believed domestic violence (DV) victims were not routinely offered separate mediation sessions, and DV perpetrators were often awarded custody of their children. Trial witnesses testified that parents were subjected to a variety of coercive tactics by Judge Julie McManus and the mediators, including threats that their children might commit suicide if they failed to reach a mediated agreement.

Gallup discussed her compliance concerns with her supervisor, the family court judge, the human resources director, and the Court Executive Officer. “I was essentially ordered to be quiet and do what I was told,” Gallup states. “I just couldn’t do that in good conscience. Children were being placed in the custody of violent domestic violence perpetrators and untreated alcoholics.” Gallup notes that the family court judge, Julie McManus, has since been placed on permanent disability retirement due to a traumatic brain injury she sustained in the spring of 2009. McManus continued to hear cases until March of 2011. “I wasn’t willing to blindly follow misguided orders,” Gallup explains, “even if they came from a judge.”

Gallup called the Administrative Office of the Courts (AOC) for help in April of 2010. She learned that the AOC was not authorized to enforce individual courts’ compliance with the law. Gallup filed a grievance against her department at that time, and an arbitration hearing occurred in September of 2010.

NCSC terminated Gallup in December 2010, prior to the issuance of the arbitrator’s award. The arbitrator found in Gallup’s favor, ruling that she had raised concerns in good faith, and that her efforts had been met with retaliation. In addition to awarding Gallup back pay and attorney’s fees, the arbitrator ordered an audit of the Nevada County Family Court Services Department. NCSC subsequently had the arbitration award vacated on the grounds that the arbitrator overstepped his authority by ordering an audit.

“It was deeply disturbing to have the arbitrator’s award overturned,” Gallup says. “An independent arbitrator wasn’t allowed to order an audit, and the AOC has no ability to enforce the courts’ compliance with the law? There is a shocking lack of oversight over the judicial system.” Gallup has joined forces with The Center for Judicial Excellence and the California Protective Parents Association to lobby for the creation of a regulatory judicial agency. Gallup expects that problems in the family court system will persist until judges and other court officials are held accountable for following the law.

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