

# **Get Your Paperwork Through Court Faster**

## **Use a Private Judge**

**NOTE:** The information in this report was provided by Allison Hardin, a Divorce Helpline attorney and mediator.

### **What a private judge does**

Using a private judge can save you a lot of time compared to what would happen if you go through the court system in the normal manner. The way it works is that you hire a neutral magistrate to decide issues in your case or to sign off on your judgment instead of using the Superior Court judge that is provided through your county.

A private judge can decide one narrow issue in your case, or they can decide your entire case, or just sign off on your Judgment. At Divorce Helpline we review your marital settlement agreement and if it is correct, we sign off on it.

### **An attorney must be certified to serve as a private judge**

Not just any attorney can serve as a private judge. In order to conduct private judging, the attorney needs to be certified. The attorney must have been practicing for a certain amount of years, and must also take a class. The attorney needs to renew the certification periodically in order to continue serving as a private judge.

### **How private judging works**

If you want to use a private judge, the regular Superior Court judge must approve the private judge. This is done through Stipulation. The way it works is that the divorcing couple stipulates to have a private judge. The private judge draws up a Stipulation stating that he or she will act as a private judge in the case, and then all parties sign it—both spouses and the private judge. The private judge must take an oath of office and prepare

more paperwork which is submitted to the Superior Court. The Superior Court judge must then approve it.

Approval is usually just a formality. At Divorce Helpline, we don't usually have any problem getting our private judges approved, but it's still a procedure we must go through. It takes on average one to five weeks for that approval to happen, depending on the county. Los Angeles takes longer than Santa Cruz for example, because of the work load.

Once the private judge is appointed via Stipulation, he or she is free to sign off on issues regarding that case. At Divorce Helpline that would generally involve a review of the marital settlement agreement, and then if they approve they would sign the Judgment.

Once the Judgment is signed by our private judge we would have it filed with the court and the case is done.

### **How long does it take?**

California has a mandatory minimum six-month waiting period from the time the Petition is filed until your Judgment can be final, so a private judge can't divorce you until that time period has gone by. So the minimum time it would take to get divorced is six months. We can file the Judgment sooner, but the parties won't be single until the six months have passed.

### **Example #1**

For example, let's say a couple comes to our office and they are in complete agreement but they haven't yet done anything to start their case with the court. They might have hired Divorce Helpline to prepare their paperwork, or did it themselves using [\*\*How to Do Your Own Divorce in California\*\*](#). So they have all their paperwork in order, are in complete agreement, have their marital settlement agreement, and they want to use our private judge service. But they haven't yet filed their Petition. So they have to file their Petition and all that goes with it to start their six-month waiting period.

Then let's say that two months after filing the Petition they submit their paperwork and settlement agreement for the private judge to review. Our private judges do the review right away—within one or two days of receiving the documents. The private judge signs off within that period of time and the paperwork is then submitted to the court within a few days to be filed.

Let's say that the court doesn't have the paperwork filed until a month later, so that's only three months into the six-month waiting period. The Judgment is completed, but the marital status does not terminate for three additional months.

### **Example #2**

Here's another example. Let's say a couple has started their divorce process. The Petition has been filed, and maybe a Response was filed. The six-month waiting period has already passed, and then they hire a private judge to sign off on their final paperwork. Even if the private judge signs off the same day, it may still take the court clerk two weeks to get the filing done. So they will be divorced in two weeks, when their papers have been filed, not on the day the private judge signs them.

When you average the time it takes a court clerk to file divorce papers, from the longest time to the shortest, it comes out about one month. Some counties take longer, and some get it done in just a couple of days. Even in slower counties like Los Angeles, we can usually get it done within two months—sometimes less. Although we have seen it take as long as four months in Los Angeles County.

So if you want the fastest possible divorce in Los Angeles County, you would do well to have all your paperwork, including your settlement agreement, ready to file two months from the start of your six-month waiting period. That would give you the best chance of being single when the waiting period expires.

So on average, approximately four weeks after the private judge signs, assuming the six-month waiting period has already expired, the couple in our second example will be divorced within

four weeks of the private judge signing. In faster areas like Santa Cruz County or Santa Clara County we can often get the papers filed in just a few days.

### **How using a private judge speeds up your divorce**

There's a big difference in the time factor between using a private judge, and filing your paperwork on your own or having an attorney do it for you. When you go through the normal procedures, without a private judge involved, not only does your paperwork have to make its way to a Superior Court judge, which can take days to months, depending on the county, it still has to be entered in the records by the court clerk.

That can take another several days, weeks or months. This means that even in the quickest counties, you're looking at a minimum of four weeks for your paperwork to be reviewed, signed by the Superior Court judge, and entered. This can take as long as a year when you go through the normal system, depending on the county where your case is filed.

When you use a private judge, you're buying the judge's time, and the speed you will get by using this service. As long as your paperwork is all in order, the judge will sign off right away, and you will save days if not months just on that step. After that, you're just waiting for the court clerk to put the entry stamp on your Judgment. This usually goes pretty quickly when you use a private judge versus going through the regular system, because there are less people who have to handle the paperwork.

This works great if you need more certainty as to when your case will be entered:

- You want a year-end divorce
- You're going to get married
- You have some other reason why you need your case to be done

There's less risk of delays when you have a private judge because you have more control of the process and are not subject to the

randomness of going through the regular court system. You have a lot more control of the time factor, but not so much over the court clerk. But you save a lot of time on the step where you would normally wait for the Superior Court judge to sign off. That can be a long period of time in California's backed up court system.

### **Using a private judge to decide an issue**

In addition to the speed and confidentiality you can get when using a private judge, there are two more benefits available to you: convenience and informality.

**Convenience.** If you have an issue in your divorce that the two of you can't agree on, this can hold things up and prevent you from completing your divorce as quickly as you would like. The benefit of having a private judge decide the issue for you instead of using a Superior Court judge is speed. You can get in front of the private judge sooner than you can get on the Superior Court judge's calendar. When you use a private judge, you're hiring them for a specific task, and you can make an appointment at your convenience, versus the convenience of the court.

**Informality and cost.** When you use a private judge, there's less formality, even though it's just as official when a private judge or arbitrator decides the issue, versus a Superior Court judge. You don't have all the formality that you would have in a normal trial setting. Plus, it saves you the time, money and hassle of litigating attorneys arguing in court. It costs you less to have a private judge decide an issue than to fight it out in court and have the Superior Court judge end up deciding.

### **Your divorce paperwork options with a private judge**

When you prepare your own paperwork using [\*\*How to Do Your Own Divorce in California\*\*](#) you are responsible for going back and forth to court to file your papers at each step of the procedure. Once you've completed your case, including the MSA, you can hire a Divorce Helpline private judge to simply review your settlement agreement and sign off on the Judgment.

When you do it this way, it's up to you to make sure all your final documents are in good order and everything has gone through to the court in the correct way. When Divorce Helpline prepares all your paperwork we are responsible for that. We coordinate everything so you don't have to worry that you may have inadvertently made a mistake if doing it yourself. After all, you aren't handling divorce papers every day year after year like we do.

Either way, after the private judge signs off on your Judgment, Divorce Helpline recommends that a courier be used to make sure that the Judgment packet is delivered to the court in a timely manner. This is not required, but it does ensure additional speed in most cases. If you do your own paperwork, you don't have to use a courier, you can take the papers to court, or mail them in yourself, but we would still recommend using a courier.

When Divorce Helpline takes care of all your paperwork, we make sure there are no delays getting things back and forth to the court. Even though we recommend using a courier to deliver your signed Judgment to the court, which costs a little bit extra, you don't have to. Since you hired us to do all your paperwork, we are responsible for getting everything to court. So if you don't want to pay the courier's fee, we can send your papers to court by mail.

If you do your own paperwork, and just hire a private judge to sign off on your Judgment, then after signing, we give the packet back to you and you have to deal with the court clerk to get your Judgment entered.

### **The cost for private judging**

Divorce Helpline charges \$700 for our private judge service. The courier fees average between \$50 and \$150 additional, depending on how many trips to court the courier makes, and depending on the court, because there are different procedures in each court.

The private judge fee includes drafting the Stipulation, the judge's time to review the Judgment and to sign off on it, and to mail the paperwork to the court to be entered if you choose not to use a courier or take it to the court yourself.

## **Real Life Stories of Private Judging**

Our Divorce Helpline private judges have handled hundreds of cases, from celebrities in the Los Angeles area, to high asset couples in Silicon Valley, to everyday people all over California. Here are a couple of stories of how clients have used our private judge service.

**Confidentiality.** In one example, I had a client whom I encouraged to use private judging because they really wanted confidentiality. In this case, the couple was quite wealthy and they were very concerned about their privacy because they had some friends and relatives who were nosy. They were very fearful that these friends and relatives were going to snoop into their case—not with any bad intention but just because they were nosy. So they were very concerned about anything to do with their personal ins and outs with each other made part of the public record. They didn't want those people to have that information.

Divorce Helpline also offers confidential marital settlement agreements. When you use this service, the details of your agreement are never filed with the court, so never become part of the public record. We can only provide this confidentiality if you hire Divorce Helpline to prepare all your divorce paperwork, as this is the only way we can be sure the specific steps needed for confidentiality are done correctly.

These clients were extremely satisfied with the service they received. Their Judgment was entered within a week of the time our private judge signed off on it. Everything remained confidential and they were very happy.

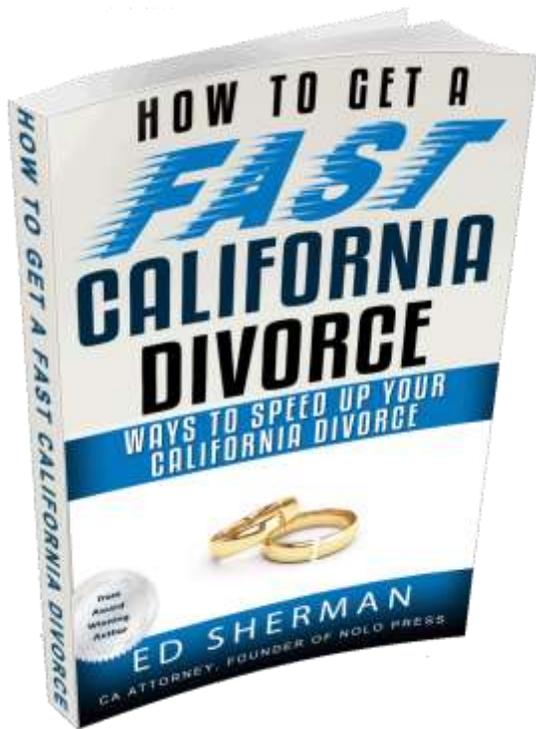
**Speed.** In another example, we had a couple who wanted to be divorced by end of year, and they were in Los Angeles County. Los Angeles County is notoriously slow. Even if you're in complete agreement and have all your paperwork completed, it takes a minimum six months, and can be much longer, from the time you submit your final paperwork to the time you are done.

So this couple came to us in November and said they wanted to be divorced by the end of the year! We were able to get that done for them through our private judge service. They did not have a confidential marital settlement agreement as that wasn't important to them, but by using the private judge service they were able to get divorced around Christmas time. So they made their end-of-year deadline, which could have never happened without having a private judge sign off on their Judgment, and using a courier to hand deliver their paperwork and make sure that the Judgment clerk stamped it before the end of the year.

The courier played an important role in meeting this couple's deadline. If the courier just drops off the Judgment packet and leaves, there's no guarantee that the clerk will stamp and enter the Judgment in a timely manner. The clerk may set it aside for days or weeks and handle other work they think is more pressing. But at Divorce Helpline we use a really good courier, who stood there after handing the clerk this couple's paperwork until it was stamped.

If you decide to use a courier for additional speed, we have staff that works with the courier as part of the private judge service, staying in constant communication with the courier to make sure it gets done. As a private judge client, whether you did your own paperwork or had Divorce Helpline do it for you, we have an obligation to you to make sure to make sure the Judgment our private judge signed actually gets entered. Your divorce is not complete until that happens, so our staff works with the court or the courier, depending on whether you used a courier or not, to make sure that happens. Until your Judgment is actually filed with the court, your case is not done, and we make sure your case is followed through to the end.

This report is an excerpt from Nolo's eBook [\*\*How to Get a FAST California Divorce\*\*](#) by California divorce attorney Ed Sherman. The eBook has more details on Private Judging that go beyond the scope of this report. It also includes several other strategies you can use to speed up your divorce, all for only \$7.



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