

MARIN FAMILY COURT CRITICS, ENOUGH IS ENOUGH

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Following a decade of criticism of Marin's Family Court by a small, but well financed, group of critics, in 2009 Senator Mark Leno asked the Legislature to direct the Bureau of State Audits to investigate claims of poor performance, cronyism and willful misconduct on the part of Marin judges and court professionals. Stating that the audit would help him to learn more about how family law matters are handled in Marin, on February 25, 2009, Senator Leno told the IJ, "If there's no problem, there's no problem." Well, Senator Leno, there's no problem. This independent audit proves that point beyond any doubt.

After 17 months and hundreds of hours of audit field work, involving a four-year review of the Family Court's rules, policies, procedures, case files, and administrative and financial records, the Bureau of State Audits has issued its findings and recommendations on Marin's Family Court. The report does not contain a single finding of improper expenditure of public funds, inappropriate and lucrative appointments going to a short list of "judges' friends" or, most importantly, judges and mediators putting children at risk. In fact, the audit confirms that the court has spent only \$26,750 total, or about \$6,600 per year, on attorneys for children in fewer than 20 of the nearly 3,700 family law cases involving children filed in the past four years. Moreover, the court has ordered child custody evaluations in only 13 of these cases, all but one of which was ordered at the parents' request. The State Auditor recommended a few very minor procedural changes that will strengthen internal controls, all of which the court has already implemented or will soon put in place. To view the audit report in its entirety, please go to the court's website at www.marincourt.org and click the link called "Audit of the Family Court" on the Public Express sidebar. To read just the court's response to the audit recommendations, it is located on page 87 of the full report (identified as page 83 of the report).

On page 16 of the audit report, the State Auditor notes that her office complies with the U. S. Government Accountability Office, "whose standards we are required statutorily to follow." These standards are contained in a manual, entitled the Yellow Book. Sections 6.35 and 7.26 of the Yellow Book compel the auditors to report on conduct of the organizations they audit that "falls far short of societal expectations for prudent behavior." If there had been evidence of favoritism, improprieties, or judges and court professionals placing children at risk, the **auditors would have been duty bound to report these findings**. No such findings were made nor was there any evidence that judges, mediators or court administrators were the architects of a system that has been characterized by the Center for Judicial Excellence (CJE) and one vocal family law attorney for many years as "broken." If it was broken, this comprehensive audit would have found evidence of that ruination.

The real tragedy in Marin is that critics and their media machine have successfully created an environment of fear, mistrust and anxiety for parents who seek resolution to their custody disputes in the family court. The CJE has capitalized on its criticism of the family court to garner publicity for itself and its members, at the expense of parents who have misplaced their trust in CJE to use political activism to pressure judges to rule more favorably in their cases. Family court critics have been recklessly – and falsely – accusing the court, its judges and other court staff of gross malfeasance and worse, for years. Their goal has been to destroy the public trust in our courts. It's time for the public to say enough is enough.