

MOTIONS PRACTICE

September 25, 2018 –
OCR Fall Conference

SHOULD GAL'S FILE
MOTIONS?

YES! YES! YES!

GAL's have an obligation to conduct **INDEPENDENT** investigations and to advocate independently. The Children's code and the Supreme Court Chief Justice Directive require this!! Don't ever assume the county or another party will do that for you!

WHEN TO FILE A MOTION

- Need a written order addressing a specific issue
- To set your advocacy apart from another party
- To emphasize the issue from the Child's perspective
- Create a record for a potential appeal
- To educate the court on the law that applies
- Action is needed

WHEN TO FILE A RESPONSE

- Object to relief requested
- Support a position
- Clarify the record
- Emphasize the issue from the Child's perspective
- To educate the court on the law

WHEN TO JOIN ANOTHER PARTY'S MOTION

WHEN NOT TO FILE A MOTION

TYPES OF MOTIONS THAT ARE FREQUENTLY FILED BY GAL'S

- Designation of Privilege Holder/Educational Rights
- Modification of court orders
- Termination
- Pre trial motions

NUTS AND BOLTS OF MOTIONS

- What law applies
- Duty to confer
- Briefing schedules
- Written vs. Oral
- Cut and Paste
- Litigation
- LAW! LAW! LAW!

TOOLS AND RESOURCES FOR MOTIONS

- Westlaw
- Litigation Toolkit
- Listserv
- Your Colleagues

HYPOTHETICALS

MARY MCWILLIAMS
&
JILL MCCONAUGHY
