

# Introducing the Turelli Method for Handling Difficult Post-Decree Cases

by John Deschner and Joe Pickard

*It's been fantastic.*

—Magistrate Marianne Tims

*When these people reach agreement, they are so proud of themselves.*

—John Rhymers, mediator

*It's wonderful for the bench.*

—Jack DeVita, retired judge

You don't usually hear comments like these about post-decree family cases, but these were comments made at a 2015 presentation about the Turelli Method at the Jefferson County District Courthouse in Golden. As of March 2015, the Turelli Foundation had completed one year of working with some of the most difficult "frequent flyers"—a term sometimes used for parties that frequently come before the court. In its first year, the Foundation worked with 80 post-decree, *pro se* family law cases and was "successful" in 68 cases.

The Turelli Foundation was started by retired District Court Judge Richard Turelli and retired family attorney Randy Mustain-Wood. Turelli was a judge for more than 35 years and is now in the fifth year of a predicted four-month "life sentence" due to cancer. Mustain-Wood was a divorce attorney for 30 years and is now in his fifth year after an almost fatal heart condition and surgery. The two teamed up with the goal of creating a specific kind of legacy. They wanted to use their experience to develop a way to attain the goal of "in the best interest of the children" in divorce cases. They began meeting with other interested professionals in 2011 and then started taking cases in the spring of 2014. The resulting system is called the Turelli Method.

The Turelli Method is designed to work with post-decree family law cases that have become complicated and overly time consuming for the bench. These cases often have multiple motions made by both parties, with neither party receiving counsel from an attorney. The parents in the cases have often been divorced for years but have never achieved the co-parenting relationship needed for making child-based decisions. These are thought of as the hardest kind of family law cases, because the pathology between the parties gets

hardened and more complicated with time. The parties often feel stuck in a standoff in which legal solutions imposed by the court don't solve anything; instead, they simply start the next round of litigation. It is with these kinds of cases that the Turelli Method achieved an 85% success rate.

## Defining Success

"Success" means that some form of agreement was reached, all pending motions were resolved, and the agreement became an order of court. The object of the Turelli Method is not to individually address every motion. Rather, the Turelli facilitators work with the broader question: What do the parents most want to do today in the two hours allotted by the Turelli Foundation?

Remarkably, none of the cases has come back. Approximately 200 motions have been resolved or dismissed, leaving more room on the docket for other cases. So when the Turelli Foundation says "success" in 68 out of 80 cases, they don't mean small success—they mean big success.

A big success may not look very big on paper. In one case with multiple motions pending, the resolution was to have one supervised visit. The judge reading the agreement into the record paused to make sure that the parties really meant only one visit. It was true. The mother, who had alcohol problems, had not seen her child in years. The father, who had blocked her visits, was trying to protect the child from the mother. In the agreement, the proper safeguards and a therapist were put in place, which satisfied what the father most wanted. The mother got to see her child, which is what she most wanted. All pending motions were dismissed, which is what the court most wanted. It may not sound like a big agreement, but it was a big success for everyone involved, and the parties have not come back to court.

## What is the Turelli Method?

The Turelli Method involves all of the components listed below, brought together by the creativity, experience, and people skills of the facilitators.

## About the Authors



John Deschner received his master of social work in 2014 from the University of Denver, where he was a part of the Institute for the Advancement of the American Legal System's project on separating and divorcing families. He is a licensed social worker with the Visiting Nurse Association. He is also an ordained minister in the United Methodist Church and served various churches in Louisiana for 19 years—jgd5700@gmail.com. Joe Pickard has been practicing law in Colorado since earning his JD from the University of Colorado in 1982. He has practiced in both state and federal court, and has tried approximately 100 jury trials in his career. He was recently appointed to serve on the Office of Respondent Parents Counsel Commission—joe@lawpickard.com. The authors are facilitators with the Turelli Foundation.

➤ **Stipulated agreements.** The parents, with the help of Turelli facilitators, create their own stipulated agreement, which is then read into the record and becomes an enforceable legal order. In most cases, the agreement becomes an order on the same day as the facilitation. As part of the agreement, pending motions are dismissed. Use of stipulated agreements puts control of the agreement into the hands of the parents. This allows them to create exactly the agreement they want, in detail, which enhances buy-in and follow-through from each of them.

➤ **Courthouse location.** Turelli Method sessions take place in conference rooms in the courthouse. This provides three advantages:

1. Access to judges and magistrates—the parties can bring an agreement before a judge or magistrate with almost no delay.
2. The power of place—people come to a courthouse mentally expecting to get things resolved.
3. Security—because there is always the risk that upset people can get out of control, it is important that security is available.

➤ **Time limits and time incentives.** The Turelli Foundation gives the parties a two-hour time limit. This helps the parties focus on what they want to have happen now, rather than on rehashing past grievances. If negotiations are productive, the time can be stretched, but the fact that the judges and magistrates may leave for lunch or for the day provides a secondary time limit. Additionally, the comparison of same-day resolution versus waiting months for a hearing is used as an incentive to focus the talks.

➤ **Co-facilitators.** The Turelli Foundation provides two facilitators for each session: one who is a legal expert and one who is a mental health/relationship expert. The legal experts are usually attorneys or retired judges/magistrates. The mental health/relationship experts are usually social workers or clergy with mediation experience.

➤ **Simple process.** The Turelli facilitators do not attempt to review pending motions or other information before meeting with the parties. The parties are given the goal of simply writing a new agreement and presenting it to the court. This simple and intuitive goal helps keep the focus on the real issues, rather than on legal motions and legal processes. The simple process also means that facilitators require minimal information to get started.

➤ **Focus on the children.** Turelli Method sessions begin with the parents showing pictures of their children. The facilitators then ask for a buy-in to the process. Specifically, the parties are asked to engage in trying to create a new agreement that will benefit their children and to affirm that the children will be the first priority in any agreements made. Buy-in is essential. If one of the parties cannot agree to working on a new agreement or to putting the best interest of the children first, then everything stops. The parties are told that the session will not continue, and the failure of the process will be reported to the court.

➤ **Off-record negotiations.** Facilitators promise an unbiased, off-the-record forum in which parties can work on agreements. Facilitators do not promise strict confidentiality to the parties. The facilitators are not providing a mental health counseling session, a privileged attorney-client legal advice session, or a structured mediation session. The facilitators are simply helping the parties structure and phrase their own resolution in the form of a stipulated agreement.

➤ **Self-help.** In a sense, the Turelli facilitators serve as an extension of the self-help desk found in most courthouses. The facilitators are sanctioned by the court to help parties, almost always *pro se*, create stipulated agreements in family law cases. The help provided ensures that the resulting agreements satisfy both legal requirements and family requirements. The parties then represent themselves in court while the Turelli facilitators sit in the background. In the few cases when one of the parties brought along an attorney, the facilitators asked the attorney to let the client take the lead in working on agreements. The facilitators also reserved the right to ask the attorney to leave. The same protocol was used when one of the parties brought along a parent, new spouse, or other support person.

➤ **Low cost.** The members of the Turelli Foundation are most interested in developing a method to help the children of families that are unproductively using the legal system. Up to this time, the Foundation has not charged for any services, and Foundation members have volunteered their time. Satisfied parties who want to pay something have been instructed to make a donation to the Foundation. In the future, however, the Foundation and its offshoots in other districts will need to find a way to gain revenue for their services. Ideally, the cost to clients will remain minimal, thus maintaining access to justice for all parties.

➤ **Parties who can sit down together.** Facilitation sessions always begin with everyone in the same room. The parties may at some point move to separate rooms for mediation-style negotiations, but they always come back together to phrase and sign the resulting agreement. Getting the parties to work together on the agreement is an important part of the Turelli Method. Therefore, parties with active restraining orders cannot use the Turelli Method unless the restraining orders are suspended by a judge and a security person is on hand. The Turelli Method has been successfully used in cases involving substance abuse, so that issue does not automatically disqualify parties. The Turelli Method has also successfully been used in cases with a history of low levels of domestic violence. The Turelli Method was also successfully used in one case involving an unproven allegation of child abuse. As a general rule, if the two parties can safely and legally sit down together at the self-help desk of the courthouse, then they can attempt to use the Turelli Method to resolve their case.

## Conclusion

The Turelli Method has shown great results, but it is still a work in progress. In the future, the Foundation will work on methods for complicated or sensitive pre-decree cases. Another important goal is to develop a revenue model by which Turelli facilitators can be compensated yet maintain access to justice for the large number of *pro se* clients with limited resources. Finally, expansion to other judicial districts has been requested but has not yet begun. To expand, the Foundation will need to find partners in other districts, both on the bench and in the professional community, who can be trained and supported to do the work in their location.

The Turelli Foundation is committed to the idea that the people involved should be the architects of the solutions ordered. They will come up with the best resolutions, and they will be more likely to follow through if it is their own agreement. To learn more about the Foundation and how you can get involved, visit [www.turelli.org](http://www.turelli.org). ■