



## Private Judges, an Open Alternative for Family Law Disputes

The U.S. court system can often get backlogged. In busier districts, it can get to the point where judges are handling as many as 100 cases at a time. This can lead to judges spending less time on each matter and taking longer to reach a decision. [Those seeking resolution in family courts can be hit hard by this, as it's not uncommon for states to see more than 100,000 filings annually.](#) To assuage this issue, there is a growing trend of parties seeking private judges to serve as arbitrators to resolve cases in lieu of the public court system.

A private judge in family law cases is typically a former family law judge or family law attorney who is hired to hear cases and reach binding legal decisions. The judge will preside over every aspect of the case, from discovery to testimony. At the conclusion, the judge renders a binding decision that becomes enforceable once confirmed by the court.

### BENEFITS OF PRIVATE JUDGES

One of the primary benefits of hiring a private judge to handle family law matters is that it can help move a case along at a faster rate. This is critical when you consider the volume of family court cases filed each year. For instance, there were over [130,000 filings reported in 2018 by the Massachusetts Probate and Family Court department.](#) The sheer number of cases means that it can take judges a longer time to reach a decision; however, private judges can enable parties to “skip the line” and have their matters resolved while others trudge through the traditional justice system.

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Similarly, a private judge may be able to give more time and attention to your case. Judges who work in busier districts must handle a higher volume of cases in a given week. However, a private judge typically will not have to juggle the same amount of work and is therefore able to devote more resources to a matter.

Additionally, unlike with the public court system, those seeking a private judge are able to select who hears their case, rather than being subject to the “lottery” in a traditional legal setting. This affords individuals the opportunity to find someone who is well versed in the field as opposed to potentially dealing with a judge who doesn’t have much experience with family law.

## PRIVATE JUDGES ARE NOT A CURE-ALL

Unfortunately, one of the aspects of hiring private judges that makes arbitration a difficult or unrealistic avenue is cost. By going outside the public court system, individuals may rack up thousands of dollars paying a private judge.

Another potential downfall of family law arbitration is the appeals process. Unlike the public court system, which has fixed guidelines on how to appeal a decision, it is more difficult to appeal the ruling of a private judge. Also, private judges may be less likely to award attorney fees when rendering their decisions.



Seeking a private judge has become more and more common in recent years. In fact, in 2016, the Uniform Law Commission approved the [Uniform Family Law Arbitration Act \(UFLAA\)](#) in three states, providing guidelines for family law arbitration. Prior to that, the American Academy of Matrimonial Lawyers™ had put forward the [Model Family Law Arbitration Act in 2005](#), which ultimately was not adopted by any states. However, the academy trains and certifies family law arbitrators, as family law arbitration has become an increasingly regulated process.

Given the volume of family law filings in the country, seeking resolution outside the public court system has become an increasingly popular option. However, deciding to hire a private judge to arbitrate a family law matter is ultimately a difficult decision with a number of important factors to consider; whether it is a party’s financial situation or concerns about the arbitration process itself.

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