

CHANGES IN FAMILY LAW

by Andy Ross

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During the years I have practiced family law in this county, there have been many changes, culminating, I had believed, in the establishment of the family law court building. Its construction literally and physically lifted the practice of family law out of the bowels of the old courthouse. In their articles, a couple of "old timers" — Sue Talia and Steve Hallert — fondly recall family law experiences they had starting from the mid '70s to the present and highlighting many of the changes they experienced over the last 30 years.

Family Court Presiding Judge Barry Goode advises of further changes ahead, including Commissioner Libbey's imminent retirement. He will leave an indelible mark in family law jurisprudence in Contra Costa County. It is difficult to believe he really is leaving; although I suspected it was in the works late last year when his cherished clerk, Annie Young, agreed to a promotion (many of which I am certain she had turned down in prior years). The inescapable conclusion was the Commissioner encouraged her to take her promotion as he was preparing to take his leave.

My first official encounter with Commissioner Libbey occurred at the end of 1995 when I was about to embark upon a three-day trial in a make-shift courtroom in the Veterans Administration building. The trial issues were complicated. A slick San Francisco lawyer was representing the other side. And even though this was a post-judgment proceeding concerning mutual requests for a modification of support, hundreds of thousands of dollars had been spent on legal fees. My own level of anxiety was high because this was the first matter I would try for the firm I had recently joined. I expressed my concern to my now partner, Bill Whiting. He assured me that I should not worry and that so long as I presented my case, Commissioner Libbey would "do the right thing."

This view is shared by virtually every lawyer to whom I speak in the county. But no greater tribute could be given to Commissioner Libbey than the one which was given to him by Justice Donald B. King in an appeal from one of Commissioner Libbey's decisions, *In re Marriage of Baker* (1992) 3 Cal.App.4th 491. At footnote 4, Justice King wrote:

"Commissioner James H. Libbey, the judicial officer who tried this case, is one of the most experienced, knowledgeable, conscientious and competent family law judicial officers in California. He has been the judicial officer handling most family law cases in the Contra Costa County Superior Court at all stages, including trial, for over 10 years. His expertise is exemplified by his statement of decision as it pertains to the issues . . . on appeal . . ."

I asked Commissioner Libbey if he would like to write any words of goodbye or advice for this magazine. He told me that everything I needed to know was contained in footnote 4 of Justice King's decision in *In re Marriage of Baker* (just kidding). Actually, in his usual self-effacing way, Commissioner Libbey declined the opportunity. The only thing I would add to Justice King's observation is this: Commissioner Libbey always tried to do the right thing.