

FAMILY COURT 2010

by Andy Ross

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The world turns. The beat goes on. Everything is different. Nothing changes. Welcome to Family Court 2010. Three years ago, real estate appraisers were adding some unspecified percentage of value to the family residence in anticipation of continued appreciation; three months ago, the family residence became a hot potato. This year, certain additional resources have been added to the family court; others taken away. The result is yet to be seen.

In this edition of the Contra Costa Lawyer, the articles present a microcosm of the family law world.

Honorable Catherine A. Gallagher, a former presiding judge of the Santa Clara County Superior Court and now a full time mediator with JAMS, writes about family law in the "great recession" and points to the various new tasks to be undertaken by family lawyers in light of short sales, IRS regulations concerning imputed income, and the bankruptcy code.

Jeff Makoff, who practices in our county and in San Francisco, points to the conflicting and sometimes confusing inconsistencies between the Corporations Code and the Family Code, particularly as they relate to the rights and responsibilities of the parties in small, family-owned corporations or partnerships.

Scott Lantry, a relative newcomer to the world of family law, discusses the perception that disclosure in family law cases — though expected to be full, complete and detailed — often falls short of its mark. He suggests some possible solutions to the problem in his article, Deficient Discovery Responses and Disclosures in Family Law Cases: Causes and Alternatives.

Finally, my article is an introduction to the new judges who are sitting in family law, including a cursory biography and a statement of their likes and dislikes.

We now have more judges to handle family law cases. Judge Burch will handle the so-called "long, long causes" (two days or more). But the staff of our bench has been diminished, which means that many of the things they used to do should be handled by counsel. Presiding Family Court Judge Joyce Cram emphasizes the importance of pre-marking exhibits at trial and bringing exhibit lists to the proceedings since clerks do not have time to perform these tasks. Recession or not, marriages are still dissolving at a significant rate. Our courts are filled with as many cases as they can manage. New issues are developing in light of the economic times, and they are being addressed by judges new to family law, but who have demonstrated outstanding academic achievement and trial skills in their careers. All of these factors point to the unmistakable conclusion that family lawyers need to take more responsibility for bringing their cases to resolution. The bench's request for civility among lawyers and professional courtesy, if met, may go a long way to achieve this goal.