



by David M. Lederman
Family Law Section President

2007 was an eventful year for family law in Contra Costa County. As we learned to comply with the court's Trial Scheduling Order (TSO), the California Supreme Court in *Elkins* (*Elkins v. Superior Court*, 41 Cal.4th 1337, 163 P3d 160 Cal., 2007) struck it down. We've started working with a tentative ruling system in family law that requires us to check the tentative rulings the day prior to a hearing (after 1:30pm) and to notify the court and opposing counsel of our objections no later than 4:30pm that day. At this time, we must also say goodbye to Judge Barry Baskin and Commissioner Libbey.

As many of you know, Judge Barry Goode will be taking over Judge Barry Baskin's duties as the supervising family law judge. It is a pleasure to welcome him to that position. As the Supervising Judge, Judge Goode is making a tremendous effort to engage the Family Law Section in rewriting the local rules, in part to comply with the *Elkins* decision and in part to make them easier for *pro pers* to understand. As the bar is a collaborative partner in this

process, I expect the end result will have a positive impact on our private practices.

One part of the local rules that will certainly be with us well into the future is the tentative ruling system. The biggest complaint about the tentative ruling system is that the short turnaround from when the tentative ruling is issued until the court and opposing counsel must be advised that it will be challenged leaves attorneys little time to discuss the ruling with our clients. Conscious of this, the bench and the bar are working together to determine the most efficient way to give attorneys more time to review and respond to a tentative ruling. By the time this message is printed a fix may well be in place.

I also welcome Judge Cheryl Mills to the family law bench, who will be taking over the judicial seat being left by Judge Baskin, who is being reassigned to the civil calendar. In a break from tradition, Judge Baskin has indicated that he will return to the family law bench at some point in the future. Perhaps Judge Baskin will set a trend for judges to return to the family law

assignment. It is also a great pleasure to welcome Judge Susanne Fenstermacher to the new family law judicial spot in July of 2008. Judge Fenstermacher, like Commissioner Huffaker, brings with her decades of private practice family law experience.

Sadly, we are losing a friend with the retirement of Commissioner James H. Libbey next month. Judge Libbey was directly involved with the development of the local rules throughout his tenure as a family law commissioner and he is currently devoting a significant amount of time to developing the new rules. Even in his final months as a bench officer, he has been working diligently with drafts and revised drafts of the local rules and Practice Guide — to be known as the Family Law Guide. For your commitment to the family law bench and bar, your many years of service, and the friendship you have given us, we thank you, Jim Libbey. ♦

— David Lederman, a certified family law specialist, is the principal attorney for the Law Offices of David M. Lederman.

2008 Contra Costa Lawyer Themes and Deadlines

Month	Theme	Deadline	Month	Theme	Deadline
January	Annual Bar Issue	November 20, 2007	July	Litigation	May 20, 2008
February	Family Law	December 20, 2007	August	Employment	June 20, 2008
March	ADR	January 18, 2008	September	Bench-Bar	July 21, 2008
April	Law Practice Management	February 20, 2008	October	Election Day	August 20, 2008
May	Real Estate	March 20, 2008	November	Criminal	September 19, 2008
June	Trends/Hot Topics	April 21, 2008	December	Readers' Choice	October 20, 2008

If you are interested in writing an article (or advertising in any of these issues), email young-design@prodigy.net.

by experienced faculty; early notification of changes in rules and practice requirements in the family law departments.

The meetings with the family law judges as well as programs designed for experienced practitioners (but also useful for new practitioners) assist members in maintaining professional, informed practices. The bench often uses these meetings as an opportunity to make announcements to the bar. MCLE and specialization credits are provided for these meetings.

Also vital to the family law practitioner is the monthly section newsletter, *In Chancery*, which is published to keep members aware of section activities, news from the bench and educational opportunities. This detailed newsletter is delivered every month by email to members.

This section maintains an ongoing liaison with the bench, Family Court Services, the Facilitator's Office, the Department of Child Support Services and the various legal aid providers in the county. It has also been active in developing creative and innovative services to family law litigants through a variety of mediation and unbundled legal services programs. It has also worked closely with the bench and professionals in other fields to develop top-quality services in the areas of custody/visitation special masters, the CPA Pro Bono Program and minor's counsel.

Through its liaison with the court, this section is actively involved when court rules and policies are reviewed, providing

input and assistance in drafting new rules and changes to existing rules. The board oversees 20 standing committees.

If you would like to join this section or have any questions, please contact the president. (*The 2008 officers will be elected at the Family Law board retreat the second week of January.*)

President

David M. Lederman
Law Offices of David M. Lederman
3432 Hillcrest Avenue, Suite 100
Antioch 94531 (East County office)
309 Lennon Lane, Suite 102
Walnut Creek (Central County office)
925.522.8889 / fax 925.522.8877
david@ledermanlaw.net



David M. Lederman was born and raised in New York, New York. He graduated from the University of California, Santa Cruz in 1989 and from the University of the Pacific (McGeorge) School of Law, with honors. David served as an intellectual property enforcement attorney with San Francisco based Wang & Wang in Taipei, Taiwan after graduating law school in 1995. He started his own law firm in 1998, quickly emphasizing family law. He was a contributing author to "Commercial Laws of East Asia," having drafted the chapter on Hong Kong (pub. 1997). David also wrote "Immigration Essentials for the Family

Law Practitioner," *Contra Costa Lawyer*, May 2000; co-wrote "DCSS Liaison Report: An Overview of the New Automated Child Support System for Family Law Practitioners," *Contra Costa Lawyer*, February 2007; he authored various program materials for the National Business Institute (NBI) including chapters in "Handling California Divorce Cases From Start to Finish," and "Successful Financial Settlement for your Divorce Client." David is a certified specialist in family law, the State Bar of California Board of Legal Specialization. He has been a member of the Family Law Section since 1999 and has served on the Board of Directors since 2005. David is a member of the Association of Certified Family Law Specialists and speaks Mandarin Chinese.

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