

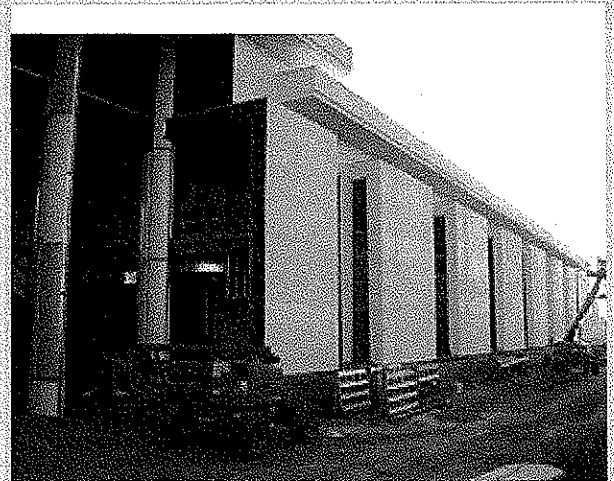
Family Law Department Likely at New Courthouse

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By Greg M. Schwartz - Staff Writer

Morgan Hill - Morgan Hill's new \$52.6-million courthouse will likely have a full-time family law court room and four full-time court rooms dealing with misdemeanor and felony cases, according to the South County Bar Association.

The new details about what the bar and bench are negotiating for the long delayed courthouse, expected to open its doors in fall 2008, were discussed during the association's quarterly meeting Friday at the Golden Oak Restaurant in Morgan Hill.



The new courthouse under construction on Butterfield Boulevard at Diana Avenue.
Photo by: Gerry Blanchard

Association members also discussed an increasingly popular legal service called "limited scope representation," which allows low-income litigants to do some minor, simpler legal tasks, thus saving money in attorney fees. It's estimated about 95 percent of those before the family court are low-income residents who would benefit from the program.

On May 23, association president Sheila Peterson sent a letter to Santa Clara County Superior Court Judge Catherine Gallagher detailing concerns about the types of services and amenities that legal professionals would like to see in the new courthouse.

The prominent Gilroy attorney would like the new hall of justice to have filing services, a full-time, fully functional family law calendar including family court services, wireless Internet and printer availability, cubicles available for settlement discussions between parties, a unified family court, one day of probate court services and

the ability to read probate court investigators notes online (cases having to do with wills and estate claims.)

Peterson's letter also asked for court-recording services one day a week, a California Department of Motor Vehicles office to re-issue suspended licenses following traffic court and a satellite law library, so that lawyers can conduct legal research on site.

The courthouse's completion is already a year overdue. Its construction comes in the wake of the closing of the courthouse built in San Martin in 1995, due to mold problems that literally sickened employees and led to condemnation of the building. Back-to-back wet winters have been blamed as the primary culprit in delayed construction of the new facility. The facility's ground breaking was in December 2004.

"Basically, she says we're looking into everything you've mentioned," said Peterson of Gallagher's response. In a June 6 e-mail response to Peterson, Gallagher writes that "the intent at the present time" is for local residents to finally have a place to litigate family law matters including divorces and child custody issues.

In the misdemeanor and felony courtrooms, South County residents could also hear criminal matters locally. The news is being welcomed by family-law attorneys because litigants in family court won't have to drive to San Jose any more. Criminal and traffic cases are being heard in only three court rooms at the San Martin courthouse on Highland Avenue, which could be expanded to four court rooms when the new justice center opens. A final decision has not been made on this issue and members of the bar are working closely with the bench to iron out any bugs before the facility's opening, according to Gilroy attorney Joe Thompson.

A group of South County attorneys and other legal and city officials would like the new hall of justice to have six departments or court rooms, which they expect will be "overflowing upon opening." They would also like the courthouse to have between one and two attorney conference rooms outside each court room. Gallagher's letter said there is also a need to have some juvenile department for delinquency, dependency and child support cases in South County.

Gallagher goes on to agree with Peterson that a unified family court is

a good idea, that the cubicle issue has been referred to those responsible for the construction of the justice hall, and that wireless Internet connection "is probable but I doubt we will be supplying printers because of the expense of maintaining the machines and supplies." Gallagher also wrote she doesn't know when the courthouse will open, adding that a spring 2008 opening is "very optimistic." She said she did not foresee probate court moving to South County. Such litigation currently takes place at the Superior Courthouse in downtown San Jose.

"I'm very pleased that she said they were considering everything and I'm looking forward to more communications ... to make it a more user-friendly courthouse," said Peterson after the meeting.

South County attorney Joe Thompson, a former president of the bar association, said later that he was concerned about the ratio of the projected court departments.

"What is good news is family law attorneys won't be having to drive to San Jose anymore," said Thompson of Gallagher's stated intent to have a full time family law department at the new courthouse.

A panel discussion at the meeting concerning the "limited scope representation" service educated lawyers about the program.

"We've had to rethink the old way of doing things," said Sharon Bashan, director of Domestic Violence Limited Scope Representation program. The service is run by the Pro Bono Project of Silicon Valley in San Jose.

Bashan said the program is an effective way to help low-income clients who are always grateful for the services.

Jennie N. Winter, attorney/director of the Pro Bono Project, also praised the program. "It's a benefit to the community and society as a whole," said Winter, adding that it helps break the stereotype of lawyers being pegged as money-obsessed sharks. "I believe we're healers of social conflict.

"We're tapping into a clientele that would never be able to [otherwise] afford these services," added Bashan