

JUVENILE & CHILD WELFARE

FAMILY LAW

A line for a good reason

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If you visited the Middlesex Probate and Family Court in Cambridge in the fall of 2010 or January of 2011, you may have experienced a feeling of say, Logan Airport. The long lines into the Middlesex Probate and Family Court building on 208 Cambridge St., and to a certain extent, the Old Third District Court, created some headaches and maybe a brain freeze or two for lawyers and litigants over the past several months.

A change in policy requires that attorneys go through the metal detectors rather than be allowed entrance upon showing their bar cards. Recently, Paula Carey, chief justice of the Probate and Family Court Department and Peter DiGangi, first justice of the Middlesex Probate and Family Court, sat down with members of the MBA's Family Law Section Council to address concerns and discuss alternatives.

Judge DiGangi, with the support of the chief justice, implemented this new policy as a result of specific events demonstrating risks to judges and courthouse staff. Since metal detectors were first installed, a number of serious weapons have been confiscated in courts across the common-

wealth.

As we who practice in this area know well, emotions run highest when they involve family matters. Attorneys are not immune to those emotions. Some would argue that our declining level of civility is the problem the policy is meant to resolve. We may argue for a consistent policy in all courts. For example, certain courts, such as Suffolk County and Essex County, allow attorneys access without going through the metal detectors. Judge DiGangi's decision provides for a very high level of security in the building, protecting us all.

While the effects of this policy change was first being felt, Judge Carey received a regular stream of e-mails documenting wait times and conditions. She monitored these closely and was fully engaged in seeking a solution. The court obtained a second metal detector, which is now fully operational and in use during the early morning rush.

Court employees have banded together to provide adequate staffing for the additional machine. In general, lines are much shorter and wait times to enter the building average under 10 minutes. Both Judge Carey and Judge DiGangi are committed to hearing, and addressing if possible, le-

gitimate complaints and concerns from members of the bar.

This improvement is hardly an optimal outcome. The illness or other absence of a single court employee now has a tremendous effect. Ensuring the safety and well-being of those waiting outside is an ongoing concern of court officials.

It is to be hoped that no one waiting would object to an elderly or disabled person, or a person with an infant or young child, jumping to the front of the line, particularly in bad weather. Litigants who are parties to a restraining order may step out of line to wait for a safer moment to enter the building. They may call the judicial secretaries' office or the register's office to inform the court about the delay. We, as officers of the court, should promote courtesy and patience among those waiting and provide support to those who need help.

The line is only one symptom of the distress felt in completely under-funded courts. Staff members have the pressures of new tasks, such as document scanning and data entry, in addition to accepting filings from the increasing number of pro se litigants. Judges are forced to undertake secretarial tasks, causing significant de-

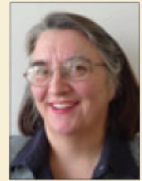
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lays. We cannot be surprised that we, too, are inconvenienced. We have the justice system, from the front door to the judge's lobby, that we pay for. ■