

*In re Marriage of Duris and Urbany* (2011) 193 Cal.App.4th 510

*Justice is not to be taken by storm  
She is to be wooed by slow advances*  
Benjamin N. Cardozo  
The Growth of the Law, 1924

Acknowledging that summary proceedings are common in family law cases, the Court of Appeal held that, on basic due process grounds requiring advance notice to be heard, the trial court erred by awarding sanctions without first giving advance notice to the wife that sanctions were an issue in a post-judgment child support modification hearing. Wife was a pro per attorney but had hired an experienced family law attorney who immediately filed an aggressive discovery motion that the trial court found unnecessary. No notice of the issue of sanctions was given; thus, neither the wife nor the attorney (no longer representing wife at the time of the hearing) was given an opportunity to justify any good faith reasons for the motion or to attempt to justify the attorney's conduct in filing the motion. Both the imposition of monetary sanctions and the reputation of the disparaged attorney warranted an opportunity to be heard and an opportunity to challenge the accusations of improper litigation conduct. Absence of advance notice caused the reversal.

*[A]s thou urgest justice, be assur'd  
Thou shalt have justice, more than thou desir'st.*  
Merchant of Venice IV i

But not so fast.  
And not without notice.

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