



Derek L. Austin

Associate, Family Law and Litigation Groups

Practice Overview

Derek Austin is a litigation associate whose practice principally focuses on all aspects of complex marital dissolutions. Derek has acquired a secondary expertise in legal matters arising under the Education Code, and particularly, the California Charter Schools Act of 1992.

Derek's family law practice with the Hoge Fenton Family Law Group involves working with the group on large marital estates and complex family, financial and business issues. Derek's family law experience encompasses a wide-range of issues such as, child and spousal support, defending and prosecuting domestic violence restraining orders, characterization and division of assets, custody and visitation, valuation of professional practices and businesses, all types of deferred compensation disputes, separate property prove-up claims, actions to set-aside or enforce marital settlement agreements, misappropriation of assets and breaches of fiduciary duty in the family law setting. Derek's broad family law experience allows him to pursue a strategy which is likely to result in an optimal settlement.

Derek's charter school practice spans his entire legal career. While his past representation was on behalf of both charter schools and school districts, now he focuses his school practice exclusively on charter schools. Derek's balanced perspective allows him to handle the full range of legal issues related to: developing and renewing charter petitions, corporate governance, the Ralph M. Brown Act, MOUs, facility use agreements, and many others. His practice also involves Prop. 39 and facilities issues, fiscal oversight and policy development, audit defense, dispute resolution, and litigation, including successfully defending charter schools against civil complaints unrelated to the California Charter Schools Act.

Derek's clients appreciate and benefit from his background in handling business disputes, labor and employment law matters, personal injury litigation, and education law. Having worked as a bartender for 20 years prior to practicing law, Derek is a great listener. This enables him to give advice that considers the totality of the clients' needs. His trial and courtroom experience provides the leverage to take any matter to the brink and into trial, should the facts and circumstances require such an approach to achieve an optimal result for his client.

Representative Matters

- Handled a broad variety of family law matters through settlement or trial;
- Secured an award of nearly \$23,000 per month in spousal support after a 30 year marriage;
- Prosecuted and defended clients under the California Domestic Violence Prevention Act, and the federal Violence Against Women Act (VAWA);
- Litigated joint custody parental access between ex-spouses living in China and the United States;
- Acting General Counsel to Tri-Valley Learning Corporation (formerly Livermore Charter Learning Corporation), parent corporation for Livermore Valley Charter School (grades K-8), Livermore Valley College Preparatory High School, and Tassajara Preparatory High School in Dublin, California, handling all matters involving the California Charter Schools Act of 1992, the California Education Code, generally, and other civil litigation matters;
- Successfully defended a California charter school against a \$1 million personal injury claim;
- Helped secured a 12-minute defense jury verdict for a local horse stable owner after a seven day trial (VerdictSearch California, June 25, 2007); and
- Successfully defended client at the California First District Court of Appeal in a landlord-tenant dispute (161 Cal.App.4th 809)



Education

J.D., Santa Clara University
 School of Law

B.A., History University of
 California at San Diego

Admissions

Licensed to practice in all California courts, the U.S. District Court for the Northern District of California, and the U.S. 9th Circuit Court of Appeals.

Contact

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Professional and Community Activities

Derek is an active member of the American and Santa Clara County Bar Associations, a member of SCCBA's Family Law Section, and past secretary of the Civil Practice Committee. He also works closely with the Santa Clara County Pro Bono Project representing low-income individuals in all aspects of family law.

Derek has lectured on a multitude of family law matters, taught paralegal classes at Evergreen Valley Community College, been a past regular lecturer in employment law for business owners (including, for example, *Sexual Harassment and Discrimination Training for Business Owner Compliance; Leave Requirements Under the Family Medical Leave Act and the California Family Rights Act*). He is a mentor in San Jose Unified School District's Lincoln High School Future Vision Program, an active board member of The Diabetes Society of Santa Clara County, a City of Campbell Little League coach for his son's baseball team, and an attorney-coach for the Lincoln High School Mock Trial Team.