

Family Law: New Millennium, Old Ball Game

by Richard E. Crouch

Domestic relations lawyers, or family lawyers, as they are more frequently—if somewhat misleadingly, called—often find themselves on the front lines of a vast battleground. Even those who would much rather just mind their own business and do their jobs find themselves perceived as soldiers in some great war between the sexes, or in an all-pervading struggle of governments and their allies in the media and the professions against the survival of the family.

There is, of course, some truth to this. Family lawyers see the winners and losers, and the casualties (mostly juvenile), in their courtroom practice—in all the counties and cities of Virginia, no matter how remote. But family lawyers are usually even more concerned about issues of an immediate, pedestrian and practical nature—such as how a judge will divide property 50/50, and what factors might persuade a judge to do otherwise. Family lawyers worry about how to get their ducks in the right kind of row to enforce some obligation by contempt, and so forth.

This issue of the *Virginia Lawyer* highlights the most important topics, new and old, that lawyers and judges confront in family law today. Professor Lynne Kohm examines some of the highly publicized and controversial recent U.S. Supreme Court decisions that appear to be forays into the family law sphere. She raises global and constitutional issues. Laura Thornton discusses contempt proceedings, and Larry Diehl writes about how the Virginia courts are reacting to the new Uniform Interstate Family Support Act (UIFSA). They address practical concerns that family lawyers face every day. Susan Hicks, David Masterman

and Kim Huguley focus on the ways short marriages are treated in the divorce courts.

As this crowded old world staggers into its third millennium, there is no doubt that the family lawyer's role is changing in the direction of greater danger and greater difficulty. While most family lawyers prefer to stay out of the debate over whether courts are agents of social change or neutral arbiters of disputes, they still work with laws that change at a dizzying pace. The obligation to keep up seems to leave little room for anyone but the specialist. The lawyer sitting across the desk from a worried client, trying to advise on what the law is and what the courts will do when the law changes weekly, if not daily, is definitely in a very uncomfortable position. Even explaining the procedures to a client litigant is rendered both perilous and difficult in our Commonwealth, as rules metastasize beyond the available shelf space. The lawyer can assure the client of very little except that the rules will change mid-game.

I hope that this issue will be of some help to practitioners everywhere by elucidating some of the more interesting issues in our developing family law. 🍷

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