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Major Resources for the New Family Law Attorney

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Major Resources for the New Family Law Attorney

While experienced family law lawyers are undoubtedly familiar with the array of research resources most useful to the family law practitioner, new attorneys and attorneys new to family law practice may need guidance in locating and identifying the most efficient and useful source material to help them in their family law work. Sherri L. Katz provided an excellent and comprehensive list of family law resources in her article "Best Research Resources on Family Law," *Mich BJ* 79, no. 2 (2000): 196 (hereinafter "Best Research Resources"). Although the article is three years old, its excellent and comprehensive descriptions of the "best" resources in the field and citations to relevant federal laws are still useful. This list is intended to provide an updated list of the major resources likely to be of use to the new family law attorney. It is not intended to provide comprehensive identification or coverage of family law issues or resources.

"Family law" is "[t]he body of law dealing with marriage, divorce, adoption, child custody and support, and other domestic relations issues."¹ It is also referred to as the law of "domestic relations." Other domestic relations issues encompassed by family law include matters relating to cohabitation, paternity, child abuse, juvenile delinquency, and domestic violence. As with other areas of law, family law practice is also related to and affected by other bodies of law, including bankruptcy, pensions, and tax law as well as criminal law. Family law practitioners must be knowledgeable about related areas of law to ensure effective representation of their clients.

Getting Started in Family Law Practice

An excellent and current overview of getting started in family law practice is found

in Chapter 1, "Family Law Practice Issues" in vol. 1 of *Michigan Family Law*, 5th ed., edited by Scott Bassett, Judith A. Curtis, Sherri L. Katz, Ann Arbor, Mich.: Institute of Continuing Legal Education, c1998 (kept up-to-date by loose-leaf releases). Chapter 1 includes tips on "developing and marketing expertise" as well as information on fee arrangements, client arrangements, and ethical and malpractice issues.

The first chapter of *Family Law and Practice*, edited by Richard S. Victor, St. Paul, Minn.: West Group, c1997 (kept up-to-date by loose-leaf releases) also provides useful information on "How to Open and Build a Family Law Practice." This chapter includes a sample outline for an office operations manual and information on records management.

More general information on starting a law practice is found in Chapter 1, "Opening a Law Practice" in vol. 1 of *Michigan Basic Practice Handbook*, 5th ed. Ann Arbor, Mich.: Institute of Continuing Legal Education, c2001 (kept up-to-date by loose-leaf releases).

Additional information about fee agreements and arrangements that may be particularly useful to the new practitioner is found in *Attorney Fee Agreements*, 2d ed., edited by Emma R. Stephens, Ann Arbor, Mich.: Institute of Continuing Legal Education, c2002 (kept up-to-date by loose-leaf releases). Chapters 1 through 3 provide general information on fee agreements, while Chapter 8 specifically discusses fee agreements in divorce cases.

Major Family Law Treatises

The two major treatises identified by Katz in "Best Research Resources" remain the most comprehensive in the field for the Michigan family law practitioner, and will be especially useful to the new attorney beginning a family law practice.

Michigan Family Law, 5th ed., is a comprehensive two-volume work with authored

chapters covering all aspects of family law practice in Michigan. Citations to relevant Michigan and federal law are provided in each chapter; forms related to the area of family law discussed in each chapter are also included. A detailed table of contents of the treatise is available on the ICLE website <http://www.icle.org/products/> (search for family law books).

Family Law and Practice, edited by Richard S. Victor, St. Paul, Minn.: West Group, c1997 (kept up-to-date by loose-leaf releases) is a comprehensive three-volume treatise with chapters covering the full range of family law topics. *Family Law and Practice* also includes citations to federal and Michigan law, practitioner tips and forms.

Other Useful Family Law Publications

Michigan Family Law Benchbook, prepared for the State Court Administrative Office, a division of the Michigan Supreme Court, by the Institute of Continuing Legal Education, Ann Arbor, Mich.: Institute of Continuing Legal Education, c1999 (kept up-to-date by loose-leaf releases) includes useful summaries of the law for each included family law topic; it also includes citations to relevant Michigan statutes, practice tips and forms, and should be especially useful to the attorney new to family law practice because of its excellent overviews of the law.

Volume 4, *Michigan Legal Forms*, 2000 rev. ed., edited by Wesley P. Hackett, Jr. (kept up-to-date by supplements) includes a wide range of family law forms relating to adoption, children, custody and child support, divorce, elderly persons, marital agreements, and cohabitation.

Divorce Cases in Michigan: A Systems Approach, 2nd ed. by Monika Holzer Sacks, Ann Arbor, Mich.: Institute of Continuing Legal Education, c2003 (kept up-to-date by loose-

leaf releases) is a step-by-step practical manual designed to guide a practitioner through a divorce case. Its many forms and practice tips should be exceptionally helpful to the attorney new to divorce practice and procedure.

Chapter 2, "Divorce Cases" in vol. 1 of *Michigan Basic Practice Handbook*, 5th ed. provides an overview of divorce law and detailed information on handling a divorce case, including child custody and child and spousal support issues; the "Divorce" chapter also includes forms. Chapter 5, "Basic Bankruptcy Law" includes a discussion of alimony, maintenance, and child support obligations in bankruptcy.

QDROs, EDROs & Division of Employee Benefits on Divorce: A Guide for Michigan Practitioners, 2nd ed., edited by Nancy Kerpelman, Ann Arbor, Mich.: Institute of Continuing Legal Education, c2002 (kept up-to-date by loose-leaf releases) provides comprehensive discussions and strategies for handling the valuation and division of benefits upon divorce, including issues relating to social security benefits; tax consequences are also covered. This will be an essential tool for the attorney new to divorce law practice. Forms are included.

Domestic Violence: A Guide to Civil and Criminal Proceeding, 2nd ed. by Mary M. Lovik, Lansing, Mich.: Michigan Judicial Institute, c2001. This resource, also available in PDF format on the web from the Michigan Judicial Institute website, covers the full range of legal issues arising in domestic violence cases, including evidence, custody, and access to children and personal protection orders, <http://courts.michigan.gov/mji/resources/publications.htm>.

Juvenile Justice Benchbook: Delinquency and Criminal Proceedings, rev. ed. by Tobin L. Miller, Lansing, Mich.: Michigan Judicial Institute, c2003, also available in full text PDF format from the Michigan Judicial Institute website, <http://courts.michigan.gov/mji/resources/publications.htm>, is a comprehensive resource that provides an overview and details of proceedings involving juveniles, from delinquency proceedings to waiver proceedings.

The *Michigan Bar Journal* publishes a thematic issue devoted to family law periodically. The included articles provide useful

and timely information on trends and practices in family law.

Web Resources Providing Access to Family Law Resources

Institute of Continuing Legal Education website:

The Family Law practice area section of the ICLE website provides links to a broad spectrum of Internet resources for the family law practitioner. It includes links to Michigan, federal, and general law websites, "Key Family Law Sites," links to websites that provide free access to legal forms, valuation websites, associations, family law discussion groups, and other current awareness information sources. Many of the websites are also useful for finding family law statutes and forms for other states, <http://www.icle.org/lawlinks/practice/family.htm>.

The ICLE website also provides well-organized links to the free electronic versions of Michigan Compiled Laws, Michigan Supreme Court, and Michigan Court of Appeals opinions and the Michigan Administrative Code, <http://www.icle.org/michlaw/>; its publications section is a useful tool for keeping track of new books on Michigan family law, <http://www.icle.org/products/>.

State Bar of Michigan Family Law Section website:

The Family Law Section of the State Bar of Michigan provides free access to the full-text electronic version of the *Michigan Family Law Journal* back to March 1998. The *Michigan Family Law Journal* is an excellent tool for keeping track of recent family law court decisions. It also provides practice tips, <http://www.michbar.org/family/home.html>.

Michigan Judicial Institute publications page:

This page provides free electronic access to PDF versions of several family law related works including the *Adoption Proceedings Benchbook*, the *Child Protective Proceedings Benchbook*, the *Friend of the Court DV Resource Book*, and the *Lawyer-Guardian ad Litem Protocol*, <http://courts.michigan.gov/mji/resources/publications.htm>.

Michigan Family Independence Agency website:

This comprehensive website provides access to regulations, government reports, and more importantly, it provides full-text free electronic access to many of the most important FIA manuals, including the *Program Administrative Manual*, the *Program Eligibility Manual*, the *Child Support Manual*, the *Combined IV-D Policy Manual*, and the *Friend of the Court Manual*. New family law practitioners should fully explore the resources and information provided by this site, <http://www.michigan.gov/fia>.

Michigan Legislature website:

The Bills section of the Michigan Legislature website permits users to search bills by category, including a separate category for "family law." The site also provides full text access to bills and legislative analyses, as well as to the status of legislation of interest. This site may be used to help a family law practitioner stay in touch with family law legislative developments at no cost.

The Michigan Legislature site also includes a section Frequently Requested Laws by category. The Family Law category includes PDF versions of the major family law statutes, including the Adoption Code, the Child Custody Act, Divorce Statutes, the Marriage Law, and many others, <http://www.michiganlegislature.org/mileg.asp?page=mostrequestedbycategory>.

Michigan Poverty Law Program website:

This site does not have a section devoted to family law, but it does have a well-organized page with links to "Essential Sites for Primary Law;" this page includes links to major Michigan and federal primary law, including the *FIA Manuals Online*, <http://www.mplp.org/primarylaw.shtm>. ◆

Barbara Garavaglia is a graduate of the University of Michigan Law School and member of the State Bar of Michigan. She also has an MILS from the University of Michigan School of Information and a BA in political science from SUNY Buffalo. She has been the head of reference at the University of Michigan Law Library since 1988; prior to that, she was assistant director of the State Law Library of Michigan for five years, and she also worked as a research attorney for two years.

FOOTNOTE

1. *Blacks Law Dictionary*, 7th ed. 621 (1999).