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### Family Research 101: Where to Start Looking

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# Virginia Lawyer

VOL. 72/NO. 1 • June 2023

VIRGINIA LAWYER REGISTER

The Official Publication of the Virginia State Bar



## The Family Law Issue

Mediation, Prenups, Custody, Grandparents' rights and more...

Also: The End of Noncompetes?

Pro Bono Champions

New VSB Council Members

Prof. Joe Fore on AI in Legal Writing

# Virginia Lawyer

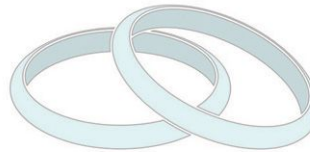
The Official Publication of the Virginia State Bar

June 2023  
Volume 72/Number 1

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# Family Law Research 101: Where to Start Looking

by Frederick W. Dingley

One of my favorite principles as a librarian, which I repeat often to students in my classes, is that when researching an unfamiliar area of the law, you should begin with a secondary source. This holds for family law as much as any other field. There are treatises that focus on Virginia family law, but even if you do not have access to those, you might have one of Virginia's general-purpose legal publications, several of which contain chapters that you can use to get your family law research started.

Virginia CLE's book *The Virginia Lawyer: A Deskbook for Practitioners* (7th ed. 2021) was designed to provide a basic but thorough grounding on the substantive and procedural law for numerous topics in Virginia, and Chapter Six covers family law. This chapter surveys many of the topics an attorney is likely to encounter in family law: divorce, spousal support, child custody and support, and adoption are the main focuses. *The Virginia Lawyer* has more of a practitioner-focused bent, with plentiful forms and practice tips, but it also provides enough references to statutes and cases to act as an entry point for more in-depth research.

Virginia CLE publishes another book covering Virginia law in general, *Virginia Law and Practice: A Handbook for Attorneys* (2020 ed.), which discusses domestic relations in Chapter 11. The *Handbook* was designed to be more of a quick reference publication, so while its coverage overlaps somewhat with the *Deskbook's* family law chapter, the *Handbook* does not cover quite as many topics—divorce and spousal and child support are discussed, but not adoption—and the entries are shorter. The *Handbook* is a good place to find a starting point for your research, but you may need to go elsewhere for a more detailed discussion of issues.


*Michie's Jurisprudence* is the classic publication for anything and everything to do with Virginia law, and its "Divorce

and Alimony" and "Parent and Child" chapters have an extensive analysis of the subjects a lawyer might encounter when researching family law. *Michie's* is a good resource for the researcher who wants to find extensive references to statutes and caselaw, but it may still be a good idea to read one of the Virginia CLE publications as well. The *Deskbook* and *Handbook* do a better job of offering practical advice.

*One of my favorite principles as a librarian, which I repeat often to students in my classes, is that when researching an unfamiliar area of the law, you should begin with a secondary source.*

After beginning your family law research in one of these publications, you may still find that you need more detailed analysis from a treatise focusing on the topic. Elder law in particular is not discussed much—if at all—by these general publications. When researching elder law, a good resource is Virginia CLE's treatise *Elder Law in Virginia* (4th ed. 2021) which contains the publisher's usual mix of practice pointers, worksheets, and forms, along with analysis of topics the lawyer might encounter such as incapacity, power of attorney, Medicaid, and special needs trusts.

When it comes to other areas of family law, there are several options available from different publishers. Isabel Paul highlighted several family law treatises in her 2009 Law Libraries column<sup>1</sup> that are still kept up to date today. LexisNexis publishes the *Virginia Domestic Relations Handbook* (published annually), which is available on Lexis, and Thomson Reuters publishes *Virginia Practice: Family Law: Theory,*

*Practice, and Forms* (published annually), available on Westlaw. Both LexisNexis's and Thomson Reuters's publications offer substantial descriptions of Virginia marriage, divorce, support, and adoption law, along with forms, so an attorney with access to Lexis or Westlaw has a useful treatise at their disposal. Virginia CLE's *Virginia Family Law: A Systematic Approach* (2020 ed.) offers an extensive look at these family law topics, along with plentiful practical tips and forms. Even if you do not have access to these books in your office, they are likely available at a local Virginia law library. Virginia's Judicial System has a listing of public law libraries in the Commonwealth at [https://www.vacourts.gov/courtadmin/library/virginia\\_public\\_lib.html](https://www.vacourts.gov/courtadmin/library/virginia_public_lib.html). 

Endnotes

- 1 Isabel Paul, *Family Law Resources: Getting a Jump-Start*, VA. LAW., June/July 2009, 54.



**Frederick W. Dingley** is a senior reference librarian at the Wolf Law Library at William & Mary Law School. He teaches legal research through the law school's Legal Research & Writing program as well as Foreign & International Research. Dingley is a former president of the Virginia Association of Law Libraries.