

EDITOR'S BRIEF

In this issue of *The Colonial Lawyer: A Journal of Virginia Law and Public Policy*, four authors present insightful commentary on a number of controversial and changing areas of Virginia law.

On the subject of abortion, Amy Naegele explores the right of an incompetent woman to not have an abortion. Ms. Naegele notes that there is little case law or statutory law on whether the consent of an incompetent's guardian is required in addition to or in lieu of consent by the pregnant woman to an abortion. She further notes that abortion is specifically excluded from the operation of Section 37.1-134.4 of the Virginia Code which provides for surrogate decisionmaking regarding medical treatment for incompetents. After reviewing Virginia law on standards for sterilization, Ms. Naegele proposes the adoption of an Abortion Consent Statute that requires judicial consent to an abortion for an incompetent. The author concludes that such a statute complies with the constitutional requirement to protect an individual's privacy right in procreation.

In another article involving the rights of incompetent individuals, Melanie Michaelson discusses standards of substitute judgment for surrogate decisionmaking regarding medical treatment for incompetent adults. Ms. Michaelson focuses on Virginia Code Section 37.1-134.4 that authorizes surrogate treatment decisionmaking for incompetents. Her article notes the availability of other states' case law for interpreting such a statute, and covers the medical evidence and state interests that should be considered when making a surrogate decision on medical treatment. Ms. Michaelson delineates three standards of substitute judgment available to the surrogate decisionmaker and discusses the evidence examined when applying each standard. She concludes that Virginia has provided a workable set of standards for surrogate treatment decisionmaking.

In the Practitioner's Guide section of *The Colonial Lawyer*, the Research Editors of the journal present articles directed toward the practicing attorney to provide him/her detailed information on select topics. Jim Reynolds addresses the status of the use of the cy pres doctrine to reform racially discriminatory trusts in Virginia following the recent Virginia Supreme Court decision, *Hermitage Methodist Homes of Virginia v. Dominion Trust Company*. Mr. Reynold's article covers a brief history of the cy pres doctrine, the doctrine's general application, its specific application to racially discriminatory trusts, and the general formalities for using the cy pres doctrine.

In our final article, Anne Bowling thoroughly describes the creation and operation of The Division of Child Support Enforcement, Virginia's response to Congressional initiatives to create a unified, national child support enforcement program.

I wish to express my gratitude to my editors and staff for a job well done this semester. The Editors and the Staff of *The Colonial Lawyer: A Journal of Virginia Law and Public Policy* hope that you, the practitioner and the scholar, find the articles of Volume 19, Number 2, insightful and stimulating. Your suggestions, comments, and criticisms are welcomed.

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