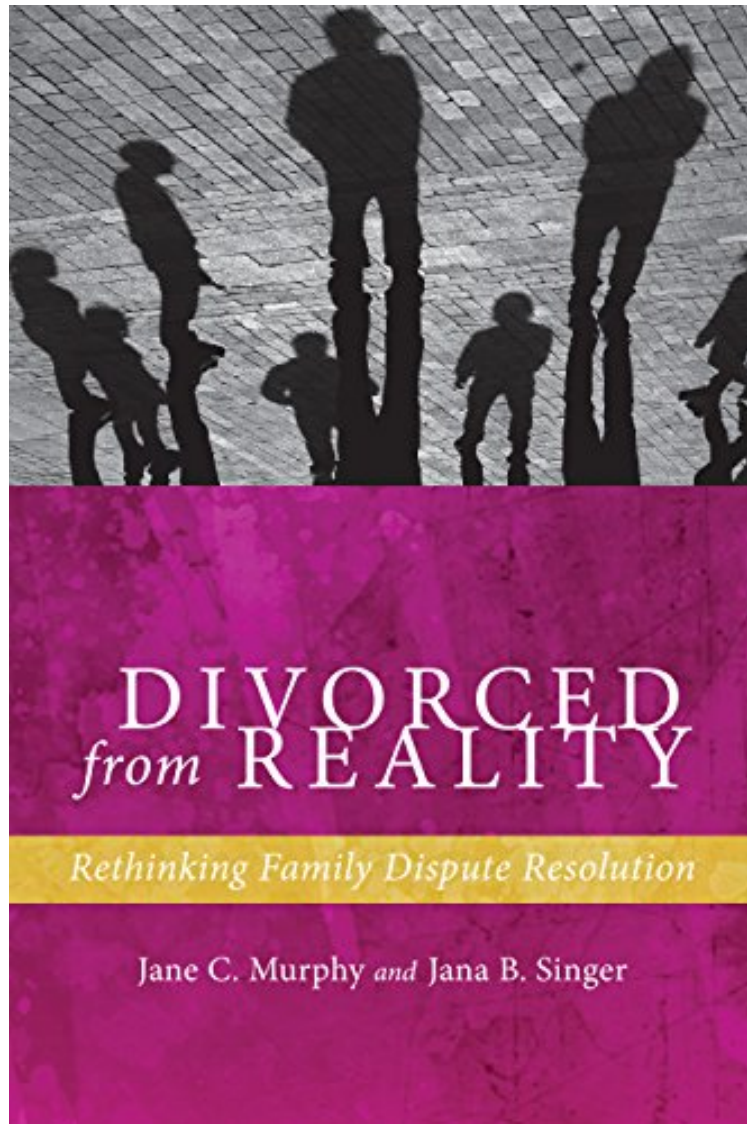


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## Divorced from Reality: Rethinking Family Dispute Resolution (Families, Law, and Society)

Jane C. Murphy, Jana B. Singer  
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**Jane C. Murphy, Jana B. Singer : Divorced from Reality: Rethinking Family Dispute Resolution (Families, Law, and Society)** before purchasing it in order to gage whether or not it would be worth my time, and all praised Divorced from Reality: Rethinking Family Dispute Resolution (Families, Law, and Society):

2 of 2 people found the following review helpful. Interesting, But is it a "Rethinking?" By D. Van Epps This is a great

book for law students contemplating a domestic relations practice, new staff in court family divisions, and attorneys who still manage divorces as if they are wars to be won. People who have kept up with innovations in court process over the past three decades will find little new here, however. The unbundling of legal services, rise of mediation and collaborative law, implementation of self-help centers, and increasingly availability of online tools have become commonplace over the period of the authors literature review. The authors, law school professors, have essentially written an expanded law journal article. The first 128 pages outline how we got to where we are in managing divorce cases in court. The "rethinking" component, promised in the book's title, consumes only 27 pages. The remaining 50 pages consist of approximately 740 footnotes, and because the footnotes are tied to chapter numbers, which appear on only one page, you'll spend lots of time flipping pages if you want to check the footnotes. A minor grievance: the footnotes are highlighted like chads on old computer cards, which interrupt the flow of reading. The few pages dedicated to rethinking convey only four thoughts: (1) some aspects of the divorce process could be removed to "the community"; (2) children should be more involved in resolving family disputes; (3) new processes for serving never-married parents and other family structures should be developed; and (4) lawyers should have training beyond that currently afforded. Although arguably none of these recommendations are truly rethought, in that they are based on a literature review, and do not derive from a personal study or evaluation of court practices nationwide, they are consistent with current directions in court administration, if not yet the practice of law. With one exception: in suggesting that certain court services could be removed from courts to "community," the authors cite only two "promising models," one based in Australia, and one in Denver. The Denver program, just several years old, on its website reports that as of the end of 2015, only 39 couples have navigated their way through the whole process it offers. Promising? Perhaps, but it doesn't appear that the authors either visited the program or interviewed the participants. It's a bit curious that this single program would serve as one of four cornerstones of the authors' recommendations. As in most legal publications, the authors call for a change in the education of lawyers. The actual problem they address may have less to do with the education of lawyers, however, since few law school students actually study domestic relations law. The problem may really have more to do with changing the incentives of domestic relations legal practice in which protracted litigation results in higher fees. While the authors encourage increased access to justice, a term left undefined, the elephant in the room issue of lawyers making payroll from pursuing adversarial processes is unaddressed. Perhaps a future edition could address the economics of domestic relations practice in a collaborative environment. The recommendations on involving children and stepped-up efforts to respond to the quickly evolving relationships people create are insightful, sharply reasoned, and right on target. Lawyers, courts, and all who support courts family divisions have much work to do to learn how to better engage children in court processes and how to manage the increasing array of relationship-types in family matters. For a book about future system design, there are at least two surprising omissions. First, a significant amount of thinking and planning across the globe concerns the role of technology in rethinking court processes. More than anything, technology is likely to change the way not only couples and children relate, but how courts manage family matters in the years ahead. Perhaps because the authors' recommendations are based on literature reviews of past practices, and not on current advances in court administration and the insights of futurists, we don't really have a clear view of what divorce practice should look like 20 years from now. Second, while the authors clearly support mediation practice, they don't discuss what to many lurks an underlying issue in the clear trend toward self-represented parties in divorce: the system of divorce has become so complex that very few people can either understand it, or afford it. Courts and legal services organizations are frantically developing online tools, self-help centers, kiosks, and now apps, that will help self-represented litigants navigate their way through the legal labyrinth, but other than the authors proposing two community models, reformation of the complex divorce industry legislatures have created is completely unaddressed. A chapter on simplifying divorce law would have been a welcome component of the book, related to the authors' goal of promoting access to justice. These few considerations aside, the book does deliver an excellent historical account of the evolution of divorce processes in America's trial courts, recounts reforms undertaken over the past thirty years, and compiles them into what they call a paradigm." The several recommendations for the future, while not groundbreaking, do point us in the direction of a more creative and helpful system of reconfiguring parental relationships.

Over the past thirty years, there has been a dramatic shift in the way the legal system approaches and resolves family disputes. Traditionally, family law dispute resolution was based on an adversary system: two parties and their advocates stood before a judge who determined which party was at fault in a divorce and who would be awarded the rights in a custody dispute. Now, many family courts are opting for a problem-solving model in which courts attempt to resolve both legal and non-legal issues.

The most significant contribution of this text is its acknowledgment of the gap between the realities of family life for more and more families and a legal system that, while admirable in its goals to move beyond adversarial conflict, nonetheless practically serves only those families who fit an elite segment of society. Family Collective "Murphy and Singer present a fresh and insightful approach to resolving child custody disputes. They look to the past but emphasize

the future with practical recommendations that both humanize the process and strengthen the new family."-Sanford N. Katz, Boston College Law School By focusing on how the new family court paradigm serves, and disserves, its litigants, Murphey and Singer have provided a powerful critique of our existing system for resolving family disputes. And, by suggesting new reforms, they persuasively show how to promote improved responsiveness. [] The book leads to a deeper understanding of the potential role of family courts in helping families resolve conflicts.-Journal of the American Academy of Matrimonial Law and describe how these processes must adapt if they are to continue to be of service to 21st century parents and children.-Andrew Shepard, Max Schmertz Distinguished Professor of Law, Hofstra University About the Author Jane C. Murphy is Laurence M. Katz Professor at the University of Baltimore School of Law. She is co-author of Family Mediation: Theory and Practice and co-editor of Resolving Family Conflicts. Jana B. Singer is Professor of Law at the University of Maryland Francis King Carey School of Law. She is co-editor of Resolving Family Conflicts and co-author of Family Law: Cases, Problems, and Materials, 2nd Ed and Mitigating the Effects of Divorce on Children through Family Focused Court Reform.