

[Back to Winter 2020 issue](#)

Most Courts are About the Past; Family Court is About the Future

If you stop by family court for an hour, you will see lawyered-up C-suite executives and self-represented day laborers sitting side by side, and you will see that hatred and terror borne of broken families know no class distinction.

Stanley Mosk Courthouse

LAWRENCE RIFF

Judge, Los Angeles County Superior Court

Lawrence Riff is the supervising judge of the court's Family Law Division.

I have two questions and a confession for you.

First, what do you care about -- and I mean really care about? If, heaven forbid, you were suddenly on your deathbed or in a plane plummeting to earth, to what would your thoughts turn? For many who participate in "last minutes" and "close call" reportage, the answer is family, and more precisely, regret about family. Common themes: "I realize now the only truly important thing to me was to be a good dad"; "I so regret not having been more available to the people I love." And more broadly, "I should have been more aware of the importance of my family to me." Close callers often express deep gratitude for the second chance to act on this new insight, reporting a complete change in their direction of life. As much as you really care about your family, so does everybody else really care about theirs.

Here's the second question: Why did you want to go into law in the first place?

Now the confession: The intimate connection between these questions was revealed to me a couple of years ago when I wandered into a family law department for the first time to take a look. I went back a couple days later. And then I knew. And then I wanted to become a family law judge. And then I was and now I am. I will not here try to persuade you to become a family law judge. But I implore you to spend an hour in a family law department. It will both warm and break your heart, and reaffirm your commitment to the role of law and courts. That's a big return on an hour's investment! What will you see in your hour? Here's a preview.

In courthouse circles there is a quip: In criminal court we see bad people on their best behavior and in family court we see good people on their worst. It's often true: Litigants in family court are confronting the worst days of their lives and in consequence, they can do abominable things. Some are the perpetrators and victims of vile domestic abuse. Some assert vile false accusations of domestic abuse seeking a tactical advantage in the coming war over child custody. Some try to alienate their kids from the other parent. In your hour in family court, you will see lawyered-up C-suite executives and self-represented day laborers sitting side by side, and you will see that hatred and terror borne of broken families know no class distinction. You will see that fully 75 percent of our family law customers are

self-represented and not by choice. And in Los Angeles 25 percent or more don't speak English. But it's not all abstract raging emotion; there are very practical problems for the judge to resolve. Yesterday's life partner now plans to move to New York and to take the kids with him. "Absolutely no freakin' way" is too tepid a summary of mother's position on the point. And what about the family whose household was barely scraping by financially and now, what, there will be two households? Where is the money for that? Their kids are already in the middle and angry, hurt, acting out, picking sides, suddenly failing in school. These are today's horrors but the parties know that next month and next year will bring more. Where will I live? How will I pay the rent and grocery bill? And foremost: My god, what about the kids?

During your hour you will notice a fundamental difference from your criminal or civil practice. Those court proceedings involve events that have already happened and ask questions in the past tense. *Did* the defendant rob the 7-Eleven last May? *Did* the defendant breach the contract three years ago and what damages occurred? *Was* the product's design defective? Family court, however, is forward facing and the questions are about the future. Where *will* little Juan live and go to school? How much money *will* the petitioner receive in spousal support? *Will* dad's visitation with seven year old Anne have to be supervised and what drug treatment *will* he need to complete before such a condition might be removed?

What will you not see during your hour? The parties litigating why a marriage is now over. Salacious evidence of adultery and abandonment? Nope; no fault divorce means it's enough that the parties now have irreconcilable differences for whatever reasons and that more time and counseling are unlikely to save the marriage. Those judicial findings are usually made in mere minutes.

During your hour in family court, you will tumble onto this insight -- and this is the one that hooked me: People leave the courtroom with vastly reduced levels of rancor and chaos. The judicial officer will make orders today that protect the kids, provide financial support, and advance the parties' moving forward with the rest of their lives. Suddenly there are clear rules and consequences for bad behavior. "Dad, you will have visitation every other weekend from Saturday noon to Tuesday at 5:00 p.m. and dinner every Thursday. Mom, you are going to pay \$650 per month in child support. The two of you will communicate only in writing on a web-based email tool since you can't speak with one another without hostility breaking out. And on those emails, no trash talk or bickering; these communications are only about the health, education, welfare and visitation of the kids. What's more, you are each ordered not to say anything negative about the other parent to the kids. Dad, no alcohol consumption for eight hours before and during visitation with the kids; mom, no smoking around the kids." Relief is palpable. There is a plan; there is order. The big ungainly system actually provides real life solutions.

Why did you go into law in the first place? If "to help people" was the reason, that's the grass roots outcome all day long in family court. Family court, you will see, is actually a village. How do all those self-represented persons possibly navigate the maze? The deeply dedicated men and women in the court's self-help centers work with hundreds of thousands of self-represented litigants each year in dozens of languages to prepare their requests for orders and required court documents, from petition to judgment. Are you a fan of ADR? Our Family Court Services mediators and evaluators are often Masters- and Ph.D.-level therapists who work truly tirelessly with our customers outside the glaring fluorescent light of the courtroom to fashion individualized solutions for individualized families. When it works, which is often, the judge's job is limited to blessing the parties' agreement. As it should be. In our village the hard working men and women of family law bar are the court's justice partners. Within their vigorous representation of clients, these lawyers clearly see the big picture: this isn't really about winning; it's about getting this family out of crisis and helping the kids. Winning means win-win in family court especially where kids are involved. Family law lawyers volunteer by the thousands of hours per year as "daily settlement officers" and in the domestic violence clinics. Family court is a village because it takes a village.

Please, drop by and take a look. You won't be sorry.

[Back to Winter 2020 issue](#)