

Celebrity Lawyer Christopher C. Melcher Explains What We Can Learn From The Lengthy Divorce Battle Between Brad Pitt & Angelina Jolie

An interview with Ilyssa Panitz

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Christopher C. Melcher, who is ranked as a [best family law attorney](#) in California says, when a divorce case drags on for many years and there are minor children involved, a high-profile situation that becomes public becomes harmful to everyone in the family.

If you saw the film, “Mr. & Mrs. Smith,” you can feel (and see) the electricity between [Brad Pitt](#) and [Angelina Jolie](#). The making of that movie back in 2005 not only sparked a romantic relationship between the A-listers but reportedly caused the divorce between Pitt and “Friends” alum [Jennifer Aniston](#). Pitt and Jolie went on to welcome a baby in 2006 (the couple share five other children), reveal their engagement in April 2012, marry in August 2014 and announce their split in September 2016. Since then, the one-time lovebirds have been embroiled in a fight over [custody of the kids](#) and most recently, Jolie’s [sale of her stake in a wine brand and estate](#) she co-owned with Pitt. Because the Pitt/Jolie matter has been going on for so long and darted into different directions, it might be difficult and confusing to follow the bouncing ball. That is why we tapped [celebrity lawyer](#) Christopher C. Melcher to help sort it all out. Melcher is one of the most sought-after lawyers at the [top family law firm](#), Walzer, Melcher & Yoda by, the Who’s Who of Hollywood and the Big Shot’s in Corporate America. Melcher holds the rating of AV® Preeminent™ by Martindale-Hubbell,* a rating of 10.0 (Superb) by Avvo.com, the title of Super Lawyers since 2011 and Best Lawyers since 2013. Melcher has also been named to Chambers & Partners Tier 2 for their individually ranked attorneys, for 2019–2020 and is a Top Family Law Attorney by Chambers and Partners High Net Worth in 2021.

Ilyssa Panitz: Why are Brad Pitt & Angelina Jolie still fighting if they are officially divorced?

Christopher C. Melcher: The court retains the power to modify child custody and child support even after a divorce is final. This is necessary to protect children and ensure adequate support is paid. After going through a divorce, parents usually put aside their differences enough to co-parent. Some cannot do that and continue their personal dispute through constant fighting over custody and support. There may be legitimate reasons for returning to court, but oftentimes there is an unresolved conflict between the parties that fuels disputes over their children.

Ilyssa Panitz: In your professional opinion, do you think the Pitt/Jolie case will ever end?

Christopher C. Melcher: It is unusual for parties to fight for six years. It is a toxic environment that inevitably is experienced by the children. One of their children has aged out, meaning that he turned 18 before the parties were done fighting over him. There appears to be no good reason for Brad and Angelina to have lingering custody disputes. They split long ago and nothing new has been reported about anything that would make either parent unsafe to be around the children. Parents need to balance the desire to protect their children from the other parent versus the damage that will be done to the children from a custody dispute. To justify court action on custody, the potential benefits to the children of a new custody order must outweigh the risks of nasty and public dispute. But parents rarely do that risk-benefit analysis and think only of themselves. Brad and Angelina are busy actors, so both probably have childcare when they are at work during their custodial time. Fighting

over 10 or 20% of the parenting time makes no sense if the parties rely heavily on childcare, as the parents might not be present for the disputed time anyway. Because the conflict between Brad and Angelina has lasted so long, the prospects of them moving forward and resolving things informally seem low.

Ilyssa Panitz: An event that has come up again in the on-going Pitt/Jolie saga, the infamous plane incident that happened in 2016. Why is this still relevant and can it be used when it comes to deciding custody of five of the six children the couple share?

Christopher C. Melcher: Even if an act of abuse occurred in 2016 as Angelina claims, the relevance of that incident diminishes over time unless additional problems occurred after. Nothing has publicly been revealed about any other incidents. After the allegations were made, Brad handled it in an exemplary way. Brad was compliant from the outset, while maintaining that he did not act abusively on the plane. He was open to having his time with the children monitored and going to counseling. His approach was child-centered because it deescalated the dispute and showed sensitivity to Angelina's concerns.

Ilyssa Panitz: Angelina seems to be fixed on the alleged plane event because now reports have surfaced the actress is suing the FBI for their failure to arrest her then husband. Can a person do that after so much time has gone by?

Christopher C. Melcher: Angelina has apparently demanded that the FBI produce any records it has concerning the investigation of the plane incident. She has the right to obtain records to present her custody case, but the relevancy of whatever happened on the plane is low because no misconduct by Brad has been reported since then. The demand for the FBI records is an indication that Angelina is fixated on what happened in 2016, rather move forward.

Ilyssa Panitz: Speaking of Pitt, he has been fighting the court's ruling when it comes to custody of the couple's five minor children. Is this door permanently closed or can he still have a chance?

Christopher C. Melcher: Brad has the right to seek more custodial time with the children under [California law](#) until they turn 18. It is not clear why Brad is fighting for more custodial time. Just as Angelina needs to place the children's interests first, so does Brad. The extra time he seeks may benefit Brad and the children, but the risk to the children of a public court battle might be worse.

Ilyssa Panitz: In California, when a couple is involved in a high-conflict divorce, a Family Court Judge will make the decision when it comes to custody/visitation and may even retain a [Custody Evaluator](#). Can you please walk me through this process and for other who face similar circumstances, what can they expect?

Christopher C. Melcher: Judges must determine what parenting plan is best for the children on limited information. We do not like to bring

children to the court to testify, which is protective of them, but it keeps the court from understanding the dynamics of the family and the child's preference. One way to get more information is to appoint a child custody evaluator to conduct an investigation and report to the court.

Ilyssa Panitz: What is the role of a Custody Evaluator?

Christopher C. Melcher: The evaluator is a mental health professional with training and experience in child custody matters. Interviews are conducted of the parents, children, and others. Psychological testing is sometimes conducted of the parents. The goal is to assess parental capacity, the children's needs, and resulting fit. The evaluator renders an opinion and testifies in court.

Ilyssa Panitz: After the Custody Evaluator submits their notes to the court, are those records confidential to the parents and their counsel?

Christopher C. Melcher: The evaluator's report and testimony is confidential. The information is highly sensitive so there are severe penalties for disclosing the report outside of the proceedings.

Ilyssa Panitz: How much weight does the Custody Evaluator have with the Judge when it comes to determining the best interest of the child(ren)?

Christopher C. Melcher: The judge makes the decision based on the evidence, and the evaluation is just one part of the evidence. Some judges place too much emphasis on the evaluator's opinion, essentially rubber stamping it. That is improper because the judge is the decision maker. It would best for evaluators not to express an opinion on which parent should have custody. The more important information is derived from the interviews of the parents, children and others, and the observations of the evaluator of the interactions between the parents and their children. The opinion may be the least important part but gets the most attention. When an evaluator opines which parent should have custody, it polarizes the case pitting one parent against the other. The evaluator can also become biased when an opinion has to be rendered, as the evaluator will attempt to justify the opinion.

Ilyssa Panitz: Is it common for a parent to file a complaint against the Custody Evaluator like Angelina did and how does the court view that?

Christopher C. Melcher: Complaints against the evaluator are common by the parent against how the opinion was made. It has become difficult to recruit psychologists to become evaluators for that reason. Angelina has made a complaint against the evaluator with the licensing board, which is investigating. A pattern has developed of Angelina complaining about anyone who disagrees with her. First it was Brad, then the judge, and now the evaluator.

Ilyssa Panitz: As a seasoned professional describe the impact all this toxic behavior between parents can have on the children?

Christopher C. Melcher: Children know when their parents fight. It is hard enough for children to experience conflict between their parents, but when their parents are public figures, the information is broadcast widely. The children will eventually see that information, along with everyone else. It is highly embarrassing to the children.

Ilyssa Panitz: Can the court try and put a stop to this conflict, which has been going on since 2016?

Christopher C. Melcher: The court cannot stop a party from asking for child custody relief but can make orders against a parent who places their children at risk by continually fighting. The former judge on the case warned Angelina that she might lose custody if she interfered with Brad's relationship with the children. After the judge gave that warning, Angelina successfully sought to remove the judge from the case.

Ilyssa Panitz: There is also an allegation that Angelia sold her 50% stake in Château Miraval, the estate and wine brand she co-owned with Pitt without his knowledge, which she was not allowed to do. Now Pitt is suing Jolie and this matter has to be litigated. My questions is, one: does Pitt have a strong case and two: can a matter like this take a long time to resolve?

Christopher Melcher: The parties each had an interest in Château Miraval and agreed that neither would sell without the other's consent. Brad offered to buy Angelina out, but she rejected that offer and sold her share to someone else. The buyer has attempted to take control over the winery per Brad. Angelina's sale is suspect. A buyer of a partial, non-controlling interest in a business would want to ensure the other owner is on board. Otherwise, the buyer will be locked in a dispute that would be expensive and uncertain. The purchaser did not have Brad's consent, so must have anticipated Brad's objection, and normally would have paid less for the interest because of the inherent risk. Brad said he offered full market value to Angelina for her interest. This appears to be Angelina's way of making Brad suffer.