

FAMILY LAWYER

SPECIAL EDITION WINTER 2014

MAGAZINE



**Mercedes-Benz
Family Law?**

**Working with
High-Profile Clients**

**Control Your
Firm's Finances**

**When "Friends"
Complicate Trial**

**National Conference
on Divorce**

**Succeed with Your
Financial Expert**

**The Perils of
Pretexting**

**Becoming a
Better Negotiator**

**Protect Clients'
Digital Assets**

www.FamilyLawyerMagazine.com

FRANCHISE OPPORTUNITY

Become The Leader in Divorce Mediation in Your Market

- ✓ Proven concept
- ✓ Low overhead
- ✓ Steady revenue stream
- ✓ Full training and marketing support
- ✓ Experienced management team



DIVORCEWITHOUTWAR.COM

Call Now to Learn More: 888-256-9733

TABLE OF CONTENTS



LEGAL MATTERS

- 10 When "Friends" Complicate Trials by John Browning
- 12 How to Succeed with Your Financial Expert in Court by Tracy Coenen
- 14 The Perils of Pretexting by Marshall Waller
- 16 Servicemember's Civil Relief Act by Karen Robbins



FINANCIAL MATTERS

- 23 Common QDRO Pitfalls by Mark Altschuler
- 25 Irrational Financial Decisions by Justin Reckers and Robert Simon
- 27 Discovering Hidden Income by Kim Onisko and JB Rizzo
- 30 A Look at QDROS and Liability Issues by Timothy Voit
- 32 Standard of Value by Shannon Pratt and Alina Niculita



PRACTICE MANAGEMENT / DEVELOPMENT

- 6 When High-Profile Clients Come Knocking by David Sarif
- 8 Controlling Your Firm's Finances by Mark Powers and Shawn McNalis
- 34 Children Held Hostage by Stanley Clawar
- 40 Mercedes-Benz Family Law Division? by Dan Couvrette



CONTINUING EDUCATION

- 19 The National Conference on Divorce
- 39 Becoming a Better Negotiator by Gregg Herman



TECHNOLOGY

- 21 Protect Your Clients' Digital Assets by Nicholas Himonidis
- 54 The Future of Law: Focus on Mobility by Chad Burton



WORK-LIFE BALANCE

- 57 A Kerala Vacation: The Perfect Therapeutic Destination by Mel Borins



PROFESSIONALS & SERVICES DIRECTORY

- 60 Listing of Family Lawyers and Related Professionals and Services

Challenging Your Thinking One Article at a Time

Having travelled extensively this year and met with many family lawyers across the U.S., I kept encountering a familiar and consistent theme: that of keeping up. Many of the family lawyers I had the pleasure of visiting were running to keep up with the changing court system, with technology, with their clients' demands, and running to keep up with their competition — who are promoting and marketing their practices more aggressively than ever.

In short, these meetings served as the nucleus for the theme of this issue of *Family Lawyer Magazine*. We invited divorce professionals from across the country to contribute articles with a focus on making your practice of family law and the management of your firm the best that it can be: competitive, efficient, and highly regarded. What we have ended up with is an issue we are tremendously pleased with.

Some of the articles we've selected for this issue include: Mark Powers and Shawn McNalis looking at more effective methods to track, monitor, and gain control of your firm's finances; Gregg Herman offering valuable tips on bettering your negotiation skills; David Sarif gives advice on the unique challenges that representing high profile clients entail; John Browning considers if and when a judge's use of social media violates canons of judicial ethics; and I look at a hypothetical that should challenge your thinking regarding the future of your practice: What if Mercedes Benz got into the practice of family law? These, and an array of other topics including: the perils and potential consequences of entrusting others to collect information for your case, succeeding with a financial expert in court, protecting your clients' digital assets, among other informative articles, round out this fourth issue of *Family Lawyer Magazine*.

Family Lawyer Magazine is published by Divorce Marketing Group, which also owns www.DivorceMagazine.com. We invite all divorce professionals to contribute articles to our publications and websites. Please send your article suggestions to our editor, John Matias at John@DivorceMarketingGroup.com. I also invite you to visit our website at www.FamilyLawyerMagazine.com where you will find hundreds of articles, family law case updates, and where you can sign up to receive our quarterly e-newsletter.



Dan Couvrette
 Publisher, Family Lawyer Magazine
 CEO, Divorce Marketing Group
 (888) 217-9538 x124
DanC@DivorceMarketingGroup.com
www.DivorceMarketingGroup.com



CEO/Publisher

Dan Couvrette, 866.803.6667 Ext. 124
danc@divorcemarketinggroup.com

Editorial

Martha Chan, Editorial Director, Ext. 136
marthac@divorcemarketinggroup.com
 John Matias, Editor, Ext. 129
john@divorcemarketinggroup.com
 Dessy Pavlova, Staff Writer, Ext. 133
dessy@divorcemarketinggroup.com

Advertising Sales

Family Lawyer Magazine &
 FamilyLawyerMagazine.com
 Dan Couvrette, Ext. 124
 Brigitte Habel, Ext. 126
brigitte@divorcemarketinggroup.com
 Barbara Corrigan, Ext. 128
barbarac@divorcemarketinggroup.com

Art Director/Production/Webmaster

Gina Tan, Ext. 130
gina@divorcemarketinggroup.com

Marketing/Client Services

Manos Filippou, Ext. 141
manos@divorcemarketinggroup.com
 David Baren, Ext. 123
david@divorcemarketinggroup.com
 Tanoya Greaves, Ext. 125
tanoya@divorcemarketinggroup.com

Accounting

Bruce Cowen, Ext. 122
bruce@divorcemarketinggroup.com

Circulation Manager

Sophie Yussuf, Ext. 121
sophie@divorcemarketinggroup.com

Advisory Board Members

Mark A. Chinn, Family Lawyer, MS
 Mari J. Frank, Family Lawyer/Mediator, CA
 Gary S. Joseph, Family Lawyer, ON
 Stephen A. Kolodny, Family Lawyer, CA
 Bruce L. Richman, CPA/ABV, IL
 Barry S. Sziklay, CPA/ABV/CFF/PFS, NY
 Peter M. Walzer, Family Lawyer, CA

Family Lawyer Magazine is produced twice a year by Segue Esprit Inc./Divorce Marketing Group. All rights reserved. Contents may not be reproduced without written permission. We are not responsible for unsolicited material.

Warning/Disclaimer

The articles in this magazine are only guidelines and may not apply to your situation. The authors, editors, and publisher shall have neither liability nor responsibility to any person with respect to loss or damage caused directly or indirectly by information contained in this magazine and on www.familylawyer magazine.com.



Results by the Rules

By-the-book investigations and expert testimony that stand up to the toughest scrutiny.

- Matrimonial & Custody Matters
- Stalking & Harassment Cases
- Asset & Financial Investigations
- Sexual Misconduct Consulting & Investigations
- Computer Forensic Investigations

NICHOLAS G. HIMONIDIS, J.D.
CFE, CCFS
VICE PRESIDENT
INVESTIGATIONS

LISA M. FRIEL, ESQ.
VICE PRESIDENT
SEXUAL MISCONDUCT CONSULTING
& INVESTIGATIONS

PAUL G. LEWIS
VICE PRESIDENT
DATA FORENSICS

230 PARK AVENUE, SUITE 440
NEW YORK, NY 10169
212.422.0000
WWW.TMPROTECTION.COM

- INVESTIGATIONS
- EXECUTIVE PROTECTION
- SECURITY CONSULTING SERVICES
- DATA FORENSICS & INFORMATION SECURITY
- SEXUAL MISCONDUCT CONSULTING & INVESTIGATIONS



By David G. Sarif, Family Lawyer

When High-Profile Clients Come Knocking

Cases involving high-profile individuals may involve unique challenges, complexities and potential pitfalls that attorneys must be aware of in order to ensure proper representation, a positive result, and a happy client.

Identifying High-Profile Clients

Before getting into the potential pros and cons of representing a high-profile client, it is prudent to define who exactly qualifies as a “high-profile” client. For most people, the first thing that comes to mind when they think of a high-profile person is a celebrity, such as a movie star, television actor, singer, or professional athlete. However, there are also plenty of non-famous yet “high-profile” clients who may also require special or unique treatment, such as successful business owners, executives, community leaders, public officials, and politicians.

Identifying and recognizing potential clients as high-profile is a critical, yet an often overlooked step of proper and effective representation. For if an attorney fails to identify a client as high profile, he or she could make a critical mistake that could severely compromise either the privacy of the client, or even circumvent a favorable outcome in the case.

A few issues for attorneys to consider when deciding whether or not to undertake such representation include:

1. Whether you are in business to meet famous people or to make money.
2. Whether you are intimidated by

meeting someone famous and if so, whether you can keep it under control.

3. Whether you can properly handle the media and press that will likely follow the case.
4. Whether you can deal with the intermediaries throughout the process that often run high-profile clients’ lives such as other attorneys, agents, financial advisors, business managers, significant others, and/or marketing specialists.

Further, although high-profile clients often have a higher ability to pay than the majority of people, some will

nonetheless expect either free or discounted services, citing the publicity and attention they bring by virtue of them being your client (i.e. some will feel that you “owe” them for choosing your firm). In the end, only you can decide whether the publicity that the high-profile client brings with them is worth it, and whether the high stakes and expectations involved are overly burdensome or exciting, challenging, and rewarding.

High-Profile Representation Strategies

If you ultimately determine that you want to undertake representation of a high-profile client, there are certain nuances and strategic decisions that must be considered apart from the normal scope of representation. As an initial matter, you must understand who in your client’s personal life will and will not be most helpful to your representation. For example, people like the client’s mother or father will usually be very helpful, given that generally there is a much lower probability they have their own agenda. On the other hand, groupies and entourage members are not likely to provide much, if any, help at all, given that they are typically only around for their own interests rather than the client’s.

There are several strategic decisions to address early in the representation whenever possible. Understandably, high-profile clients are often concerned about their information, especially financial information, being leaked to the media or made available for public scrutiny. Accordingly, depending on the individual circumstances of the case, a confidentiality order is often appropriate, and obtaining one by agreement with the other side is ideal. Also, to further assist your client in realizing his or her goals, engage proper experts, such as financial and custody experts, as early as possible. Furthermore, be sure to remind the client that everything they put on social media is public, and that anything they say in digital form

Ultimately, you must ask yourself whether you are willing to risk your reputation simply to allow a high-profile client to bend the rules.

(i.e. text messages) can leak out at any time and cause irreparable damage to both their image and to the case.

Recognizing High-Profile Challenges

Other challenges attorneys are likely to face in representing high-profile clients include potentially intense media scrutiny of your client and the case, potentially high-maintenance clients with an overinflated sense of self-worth, competition from other attorneys willing to tell the client whatever they want to hear just to get their business (including second guessing your work in the media), and defending your client from disparaging internet gossip. Further, you must recognize that there are many different personality types and it is very possible that you will have to deal with some extremes, either with the client or their representatives. Also, keep in mind that their family and representatives are often there to protect and shield them from the outside world (including their attorneys), which makes it more difficult to deliver advice that the client needs to hear since they are so accustomed to being in control of any given situation.

Another difficulty presents itself in situations where the client does not want to be involved in the case. This issue could be either positive or negative, but regardless, the fact remains that the client must be the one to sign off on all

documents in your presence, not their agent. Remember, it is alright to reject or fire a client who is unwilling to cooperate with such simple requests. Ultimately, you must ask yourself whether you are willing to risk your reputation simply to allow a high-profile client to bend the rules.

Like with all cases and clients, acknowledging and preparing for potential challenges and complexities ahead of time will help ensure a positive experience for both the client and the attorney alike. While these are all manageable challenges that should not necessarily prevent you from accepting the representation, they are issues that you must be willing to deal with from the outset. ■



David G. Sarif is an Associate at Kessler & Solominay, LLC. Mr. Sarif has been honored as a Georgia Super Lawyers Rising Star in multiple years, and has represented numerous high-profile entertainers, musicians, and professional athletes. He devotes 100% of his practice to family law. www.ksfamilylaw.com

More Related Articles

Courtroom Tips From the Top

We asked five renowned lawyers from the Faculty of the Houston Family Trial Institute to share some of their insights on courtroom skills and strategies.

www.familylawyermagazine.com/articles/courtroom-tips-from-the-top

An Interview with Stephen Kolodny: Lawyer to the Stars

By Dan Couvrette

Stephen Kolodny discusses how to properly prepare for trial and deal with high net worth divorce cases.

www.familylawyermagazine.com/articles/an-interview-with-stephen-kolodny-lawyer-to-the-stars

Gain Control of Your Firm's Finances with a Financial Dashboard

By Mark Powers & Shawn McNalis,
Practice Advisors



“If I was good at math I would have become a doctor,” joked one of the attorneys we began working with recently, in response to a question regarding how he managed his firm’s finances. Like so many of the attorneys we work with he was a highly skilled legal practitioner, but his practice management skills were weak. In his case, he had flirted with financial disaster often enough to finally seek help.

Fortunately, he had a part-time bookkeeper on board who wanted to assist. Unfortunately, she was making the situation worse by flooding him with too much information. On a monthly basis she’d deliver a stack of reports to his office. Overwhelmed by all of the detail, he’d glance at the pile and tell himself he’d look through it all when he had the time. But in fact, only when a financial crisis loomed would he give his bookkeeper the opportunity to discuss corrective actions. He managed his firm’s finances in a highly reactive manner, never able to properly predict cash flow. Operating this way left him feeling out of control and he was motivated to change.

We recommended he take a systematic and proactive approach so he could have the information he needed, but in a more digestible form. We instructed his bookkeeper to keep running his monthly reports, but then to summarize the key financial data and put it into what we call a financial “Dashboard,” which displays the firm’s key financial information similar to the way the gauges in the console of a car display speed, battery charge, and fuel.

By prominently displaying your key financial indicators, the financial Dashboard serves the same purpose and allows you to either keep moving forward at your current course and speed, or stop to make important adjustments.

The Advantage of Using a Dashboard

The form is basically a bottom-line summary of several different reports which provides a snapshot of a firm’s financial status. It gathers the most essential data from your profit and loss statement, your hourly billing report, your expense report, your account receivables report and your financial operations report. Added to this are your monthly marketing statistics as it’s important to see the trends developing in this area as well. Marketing activities drive business in the door, which serves as fuel to the firm. If the number of activities starts to decrease in the marketing categories, it will negatively impact the firm’s finances down the road.

Here’s a brief overview of the sections of the Dashboard:

1. **The Revenue Section:** Divided into two areas, shows the fees and costs that were billed for the month, along with costs and interest payments that were collected for the month.
2. **The Monthly Billing Section (for hourly billing practices):** This section lists the total hours billed for the month by each timekeeper.

CONTINUED ON PAGE 49

Reaching “Generation Ex”

Market your practice to those who need your service now



Divorce Magazine

50+ pages of divorce related articles

- Covering legal, financial, emotional, and children-related issues
- Featuring expert advice from local family lawyers and divorce professionals

Published 2 times a year

- One print version with regional editions for Illinois, California, New York/New Jersey and Ontario
- 2 digital versions for EVERY state and province

Feature your practice and expertise here

- Demonstrate your authority in divorce through your profile advertisement, articles and FAQs



www.DivorceMagazine.com

4,000 pages of divorce-related articles

- Featuring expert advice from local family lawyers and divorce professionals
- Editorial covers legal, financial, emotional and children's issues

Highly targeted audience

- Who are either considering divorce, separated or in the process of divorce
- They are in need of your service right now

Feature your practice and expertise here

- Demonstrate your authority in divorce through your profile advertisement, articles and FAQs

Contact us about featuring your practice
in Divorce Magazine & on www.DivorceMagazine.com

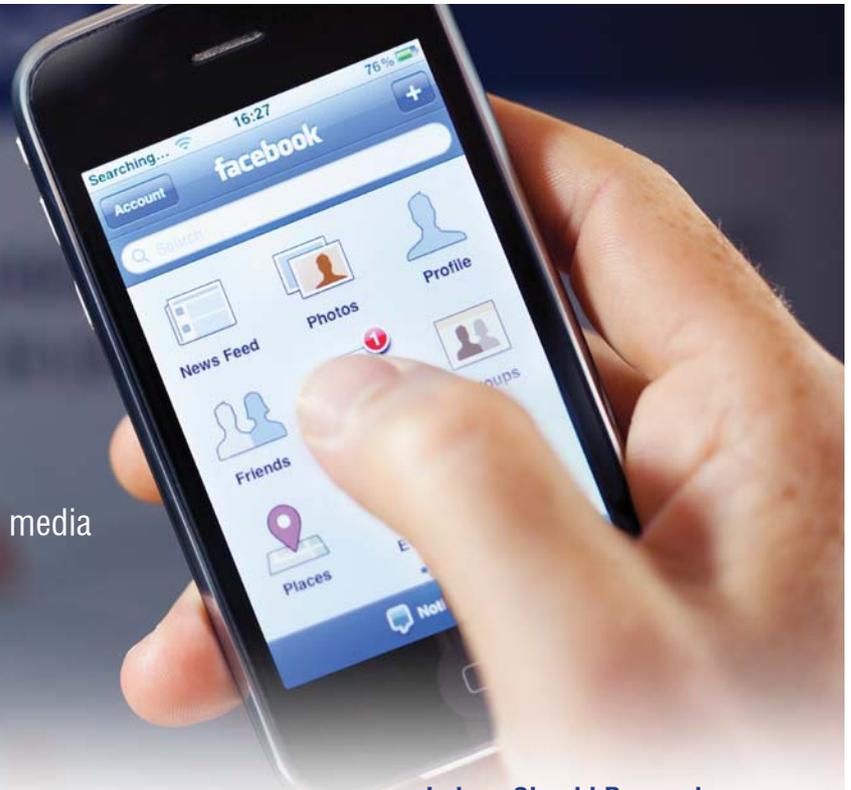
866.803.6667 x 124

DanC@DivorceMag.com www.DivorceMagazine.com

When “Friends” Complicate Trials

When does a judge’s use of social media violate canons of judicial ethics?

By John Browning, Trial Lawyer



Most lawyers — and many clients — have heard the old saying “A good lawyer knows the law; a great lawyer knows the judge.” But in this digital age, in which over 72% of all adult Americans have at least one social networking profile and sites like Facebook boast more than 1.12 billion users worldwide, what are the consequences when a lawyer or even a party happens to be Facebook “friends” with a judge?

Recent Challenges

The family law arena has been the scene of recent challenges to judicial impartiality based on Facebook “friendship,” even when the online relationship is an attenuated one. At least ten states — New York, California, Kentucky, South Carolina, Florida, Oklahoma, Maryland, Massachusetts, Ohio, and Tennessee — have issued judicial ethics advisory opinions providing guidance on judges’ social media activity. In addition, in February 2013, the ABA Standing Committee on Ethics and Professional Responsibility came out with Formal Opinion 462 on “Judges’ Use of Electronic Social Networking Media.”

Most of the states to address this subject, along with the ABA Formal Opinion 462, have given a cautious “thumbs up” to judges wishing to venture onto sites like Facebook and Twitter. While they remind judges that existing canons of judicial conduct will still apply in cyberspace, these opinions simultaneously acknowledge that being a judge’s “friend” on Facebook doesn’t indicate that one has a special relationship and position of influence with that judge.

An exception to this pragmatic approach is Florida, whose Supreme Court Judicial Ethics Advisory Committee takes a much more draconian view of judges and social networking. Not only does Florida not permit judges to have Facebook “friends,” an attorney’s “friend” status with a judge is automatic grounds for that judge’s disqualification. See, for example, *Domville v. State of Florida*, a 2012 Florida appellate case that rationalized that because “judges do not have the unfettered social freedom of teenagers,” maintaining “the appearance of impartiality requires the avoidance of entanglements and relationships that compromise that appearance.”

Judges Should Proceed with Caution

In *Lacy v. Lacy*, a 2013 custody case from Georgia, a father appealed three different trial court orders (from three different judges). Regarding one of the orders in this contentious case, Mr. Lacy argued that the trial judge should have recused himself *sua sponte* on grounds of bias toward Mrs. Lacy. As support for his argument, Mr. Lacy produced a copy of a comment on his Facebook page — allegedly made by the mother weeks after the hearing in question — in which she boasted “Judge Parrot and my dad had a meeting the week before our case and guess what, you lost your kids.” But the appellate court was not persuaded that such an accusation held any merit, holding that “the mother’s reference on Facebook to a meeting is not evidence that the judge obtained information relevant to the case from an extra-judicial source, much less that he based his ruling on any such external information.” It’s also worth noting that this same case was so rife with disparaging comments being made by

CONTINUED ON PAGE 45

Oklahoma's Top Rated Lawyers

ECHOLS & ASSOCIATES



Echols & Associates is primarily engaged in contested and complex family law cases, valuation and division of marital estates, determination of marital and separate property, business valuations, requests for and defense of requests for support alimony, contested child custody, visitation and support, jurisdictional disputes, including international law issues, paternity, guardianship, probate, and domestic violence. Established in 1979, the firm has been recognized for many years by the Bar Register of Preeminent Lawyers rated by Martindale-Hubbell for both legal ability and adherence to the highest professional standards. The firm's eight attorneys have a combined experience of over 100 years in the practice of family law. The attorneys have dedicated themselves to helping their domestic clients find their future, while honoring their past, through compassionate, knowledgeable and experienced representation in the Family Courts of Oklahoma.

M. Eileen Echols, the Managing Attorney and Senior Litigator, innovated a team approach to provide exemplary service. Each case is assigned a minimum of two attorneys, who work together with the firm's other attorneys, to provide quality legal services. Eileen is a former Family Law Judge, twice named Outstanding Family Law Judge for the State of Oklahoma, by the Family Law Section of the Oklahoma Bar Association.

David W. Echols is a Fellow in the American Academy of Matrimonial Lawyers, and he has been an AV rated attorney by Martindale Hubbell for over twenty (20) years. Both David and Eileen have been selected as SuperLawyers, by review of their peers; both are former Chairs of the Oklahoma Bar Association's Family Law Section, former Adjunct Law Professors, and both are frequent teachers and lecturers on the topic of Family Law to Oklahoma lawyers.

Completing the team are distinguished attorneys **Jonathan D. Echols**, selected as a Rising Star, since 2011, by SuperLawyers, graduated first in his law school class at OCU and was named the Outstanding Law School Graduate of 2005; **Amy L. Howe**, selected as a Rising Star, by SuperLawyers; **Lindsey W. Andrews**, recipient of the 2013 Journal Record Leadership in Law Award from the Oklahoma County Bar Association; **Benjamin P. Sisney**, who prior to joining the firm, clerked for U.S. District Judge Gregory K. Frizzell, Tulsa, Oklahoma; **Richard E. Smalley, IV**, who has received an AV rating from Martindale-Hubbell, by his peers for legal ability and adherence to the highest professional standards and **Allyson E. Dow**, who was awarded the Outstanding Family Law Student Award for 2012, by Professor Robert Spector of the University of Oklahoma.



Super Lawyers

Echols & Associates

(405) 691-2648

www.echolslawfirm.com

9925 S. Pennsylvania Ave., Suite 100
Oklahoma City, OK 73159



How to Succeed with Your Financial Expert in Court

By Tracy Coenen,
Forensic Accountant

Working With Your Expert

A good working relationship between the family lawyer and the financial expert is key to a successful engagement. The attorney's expectations for the expert must be immediately clear, including the scope of work, the topics on which opinions are sought, and the form that the final report will take.

The attorney and the expert must be candid with one another throughout the process. If the work load or deadlines are unmanageable, this must be communicated. If the opinions being developed by the expert are not in line with the attorney's expectations, this must be discussed in case the attorney wants to amend the scope of work or abandon the project. The lines of communication must remain open in order to prepare and present a successful financial report and testimony.

The Report

A written report is a detailed roadmap of the complicated financial issues presented to the attorneys and judge who may have no accounting background.

The key to a good report is organization, understandability and readability.

While there is no standard format, there are five recommended sections for the written report on financial analysis in a family law case:

- **Background** — a short summary defining the financial issues in the case, explaining the agreed-upon engagement and introducing the expert's analysis.
- **Documentation** — a summary of the financial documents and other available information that has been analyzed.
- **Analysis** — a lengthy and detailed explanation of the analyzed information, evaluation procedures, estimation reasons and methods, and any other substantial analysis.
- **Opinions** — the most important section explaining the methodology used and the calculations made. Thorough explanation lends credibility to the expert's work.
- **Attachments** — any exhibits, evidence or spreadsheets with detailed calculations referred to should be included at the back of the report.

Expert Testifying

A competent expert witness must not only be a good writer but must also communicate orally and be prepared to explain details, add to the information presented in the written report, and defend his or her findings.

It is always advisable for the family lawyer and the financial expert to walk through the testimony prior to depositions and trials. During preparation, the attorney should share the litigation strategy so that the expert can keep it in mind while preparing for testimony.

Court testimony can be enhanced with visual aids. Some people do not learn well with only auditory information and need visual information in order to fully comprehend the financial issues. Graphs and charts relative to the numbers in a divorce case can ensure that the judge fully understands the evidence.

While preparing, consider counter-arguments or evidence that opposing counsel may try to use to their advantage. Opposing counsel may try to diminish the credibility of the expert, or may point out errors or weaknesses in the expert's report. The financial expert should prepare for criticism and consider how to respond during testimony. ■



Tracy L. Coenen, CPA, CFF is a forensic accountant and fraud investigator with Sequence Inc. She specializes in cases of embezzlement, financial statement fraud, white-collar crime, securities fraud, and family law. www.divorceinvestigation.com

More Related Articles

Proving Hidden Income

By Kim Joseph Onisko

A road map for arguing the existence and amount of hidden income. www.familylawyermagazine.com/articles/proving-hidden-income

Valuation and Tax-Affecting Pass-through Entity Earnings

By Barry Sziklay

Tax-affecting earnings of pass-through entities effect on valuation. www.familylawyermagazine.com/articles/pass-through-entity-earnings

QDRO PREPARATION – WHEN EXPERIENCE MATTERS

QDROs • Pension Valuations • Investment/Securities Analysis

Voit Econometrics Group, Inc. have been the premiere experts in the development and preparation of QDROs and like orders. They work to satisfy the demand by law firms and attorneys for more appropriate methods in financial and securities analysis for litigation including marital and non-marital calculations, retirement plan valuations, and drafting QDROs.

Expert Services for State and Federal Courts

The principals at Voit Econometrics Group, Inc. have been qualified in State and Federal Courts, and work to serve attorneys, CPAs, and even plan administrators by:

- Creating various CLE programs and modules to educate others on QDROs, pension valuations, and investments.
- Making themselves available for lectures for State Bar conferences and Family Law Section conferences.
- Authoring such books as *Retirement Plan Benefits & QDROs in Divorce*, in addition to numerous articles.

We are the company that family attorneys turn to for QDRO preparation and pension valuations, and are made up of experts that specialize in:

- QDROs
- Pension Valuation
- QDRO Malpractice & Damage Calculation
- QDRO Review & Consulting
- Valuation & Court Order Division of Military Retirement Plans
- Valuing Federal Pensions for Offset
- Dividing Federal Pensions by a Court Order

A Company Built on Experience

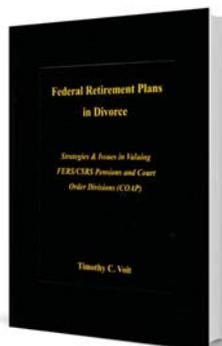
Tim Voit has been retained in legal malpractice cases to resolve QDRO issues or compute damages, and bears the title of Forensic Economist. Todd Voit teaches investment analysis and advanced investments at both the undergraduate/graduate levels and manages assets for retirement plans and individuals. He also has one of the only Masters' Theses in the country on the valuation of retirement plans in divorce. These two experts are not only leading the way on QDRO preparation, they're paving it as well.

GET VOIT ON YOUR SIDE

Have a QDRO question, or questions related to pension valuations or QDRO distributions or rollover IRAs? Email Tim Voit: askvoit@vecon.com.

Voit Econometrics Group, Inc.

A Financial & Forensic Economic Advisory Firm



Federal Retirement Plans in Divorce: Strategies & Issues

You can purchase the ultimate handbook on federal pensions in divorce by visiting www.vecon.com.

1-800-557-8648
www.vecon.com

The Perils of Pretexting

Entrusting others to collect information for your case means you need to be aware of the possible violations of the law.

By Marshall Waller, Family Lawyer

Pretexting usually takes the form of someone pretending to be someone else, also known as identity theft. For example, when someone sets up a social media account in another person's name in order to gain access to that person's friends and personal information, they think their case can be helped. Whether it be pretending to be someone else in an attempt to gain information, or hiring a private investigator to perform pretexting services, liability attaches.

Cause for Disbarment or License Suspension

Counsel is ethically prohibited from using information obtained through pretexting or risk disciplinary acts, including losing the license to practice law. California Business and Professions Code section 6106 (Moral Turpitude, Dishonesty or Corruption Irrespective of Criminal Conviction) provides that an act "involving moral turpitude, dishonesty or corruption," constitutes a cause for disbarment or license suspension. Although it seems obvious that lawyers cannot knowingly use information that has been illegally obtained without violating their oath as an attorney, far too often we see this type of behavior in court, in depositions and in settlement negotiations.

Another example is when a client uses a Global Positioning System (GPS) device to track and monitor their spouse's movements and driving behaviours. That client may be prosecuted for stalking under California Penal Code section 637.7, and more important to

the representative counsel, Subsection (f) essentially provides for revocation of licensure as a punishment for violation.

Be Aware of Your Information Sources

Also, use care in the acceptance of information from a client, and be aware that such information might have been obtained illegally, either innocently or intentionally. A client that attempts to use information from another's private emails can suffer serious, even criminal, consequences in court, as hacking into private emails can be found to be an act of domestic violence. Further, if the client brings in communications between a spouse and their lawyer, counsel must immediately stop reviewing it and permanently remove it from the file and office or risk being involved in prohibited activity.

Notable Pretexting Case Examples

- **Nadkarni v. Nadkarni** (2009): A former husband that accessed, used and publicly disclosed his former wife's confidential email was prosecuted for statutorily offensive conduct under subsection (a) of the California Family Code section 6320, under the definition of "abuse."
- **California v. Dunn** (2006): A CEO of Hewlett-Packard hired outside investigators to discover a source of internal information leaks by pretexting to obtain the personal and professional phone records



CONTINUED ON PAGE 48

Responsive Attorneys.
Respected Work.
Effective Results.



At Obermayer Rebmann Maxwell & Hippel LLP, our family law attorneys believe the practice of law is about helping people — our clients. We understand that dealing with family issues such as divorce, child custody and child and spousal support are complex and challenging.

We are sensitive to the personal and important decisions our clients have to make. We provide you with step-by-step guidance to reach resolutions that protect the interests of you and your children. Our goal is to achieve the best result for you in the most practical and timely manner possible.

Whether skillfully negotiating on your behalf or tirelessly fighting for your rights in court, our family attorneys have earned outstanding reputations as tenacious advocates, advisers and creative out-of-the-box thinkers. We offer steadfast counsel in matters regarding:

- Divorce and separation
- Child custody
- Equitable distribution and alimony
- Child support and spousal support
- Same sex dissolution
- Restraining orders
- Separation agreements
- Name change
- Property settlement agreement
- Mediation assistance
- Arbitration services

Obermayer is a full-service law firm with more than 100 attorneys working in a broad range of practice areas. The attorneys from our family law group draw on the exceptional resources within the firm to handle complex family law matters. When appropriate, we work closely with our tax, trust and estate, corporate and real estate attorneys to achieve the best result for your divorce.

Contact one of Obermayer's family law attorneys in Pennsylvania or New Jersey at:

One Penn Center
1617 John F. Kennedy Blvd., 19th Floor
Philadelphia, PA 19103-1895
Phone (215) 665-3000
Fax (215) 665-3165

100 Four Falls Corporate Center
1001 Conshohocken State Rd., Suite 313
West Conshohocken, PA 19428
Phone (610) 825-3634
Fax (610) 825-4549

Woodland Falls Corporate Park
200 Lake Drive East, Suite 110
Cherry Hill, NJ 08002
Phone (856) 795-3300
Fax (856) 795-8843

The Servicemember's Civil Relief Act and the Family Lawyer



The Servicemember's Civil Relief Act has many provisions and protections that can complicate or delay a divorce case.

By Karen Robbins, Family Lawyer

As a family law practitioner, you will likely represent a client whose spouse is either an active military servicemember, a reservist, or a national guardsman at some point during your career. If the spouse is not on active duty, your case will proceed as any other. However, if the spouse is on active duty, the Servicemember's Civil Relief Act, 50 USC 500 et seq (the "Act") requires yours and your client's compliance. The Act creates both a minefield for the unsuspecting practitioner and opportunities for creative settlement.

Most family lawyers know that in order to obtain a default judgment, they must file a required affidavit concerning military service with their request. If the spouse is on active duty with the military and may have a meritorious defense to the action, the Court may not enter a default unless it follows the Act requirements, which include a mandatory 90 day stay of proceedings and an appointed attorney to

CONTINUED ON PAGE 18

Do Your Clients a Favor

Advise them to insure their alimony and child support payments against disabilities

Consider the statistics

- The probability of disability occurring during one's working years is 2 to 3 times greater than the risk of death.¹
- Almost 3 in 10 of today's 20-year-olds will become disabled before reaching age 67.²
- Every 90 seconds someone files for bankruptcy in the wake of a serious illness.³



If the financially responsible spouse and payor of alimony or child support payments becomes disabled, the payments may be reduced or terminated. Most divorce agreements protect support payments against death, but do not include disability protection.

Given the fact that disability is more likely to occur than a premature death, those support payments need to be protected.

Include Disability Insurance Against Support Payments in Their Settlement Agreement

Tell them about Family ValueGuard, a Disability Insurance that protects them and their children against the adverse effects of unexpected disabilities.



Case Study: A single parent stopped receiving alimony and child support payments once a payor/spouse became disabled. Following a 90 day elimination period, the policy provided a benefit of \$4,000 per month to match the pre-disability support payments. At the end of 5 years, the single parent received a lump sum payment of \$240,000 to fulfill the remainder of the outstanding benefit payments.

1. 2001 JHA Disability Fact Book
2. Social Security Administration, Fact Sheet 2009
3. The American Journal of Medicine. Vol 122, No.8. Aug 2009

Family ValueGuard™

**Protecting Support Payments
Against Unexpected Disabilities**

Contact us for more information

Ken Bloch or Matt Bloch

800-696-1791

www.FamilyValueGuard.com

represent the servicemember. The attorney's representation is limited to ensuring that the servicemember is aware of the action filed, and understands the implications of failing to respond. The attorney will determine whether the servicemember has a meritorious defense to the action and will decide whether to request an additional stay for the servicemember.

Even if the servicemember answers the initial pleading, if he or she is on active duty, he or she may request a 90 day stay of proceedings if their military service materially impacts their ability to appear and defend the action. The

The Act creates both a minefield for the unsuspecting practitioner and opportunities for creative settlement.



servicemember may also request additional discretionary stays under the Act, which are granted only if he or she has a meritorious defense and the nature of the military service precludes appearance. Note that maintaining the motor pool at a nearby installation is hugely different from facing enemy fire in Afghanistan. The former is unlikely to merit an additional stay of proceedings, although the latter very well may.

If the servicemember was not on active duty at the time he or she was served with the initial pleading, but was then called to active duty, a request for stay of proceedings is also available under the Act. The Act also provides protections if, because of active military duty, the servicemember did not receive a pleading in an active case in time to defend, and had a unfavorable order entered as a result.

The ability to stay proceedings is not unlimited under the Act, and although some servicemembers are unable to appear in a state court for a long period, eventually they will be entitled to leave. In order to ensure that a servicemember does not abuse the stay provisions of the Act, it requires that requests for stay of proceedings be accompanied by a letter or signed statement from the servicemember's commanding officer, verifying the servicemember's duty status, confirming that the servicemember is not eligible for leave and providing information as to when the servicemember will be eligible for leave.

Although it contains a number of procedural traps for the unwary, the Act also provides protections for Servicemembers and their families which might help settlement of their case, specifically in the areas of interest rate reductions on loans, eviction proceedings, vehicle leases, and foreclosures on mortgages. These provisions may present case resolution opportunities for divorcing servicemembers and their families that are not available to the general public.

Every family lawyer will, at some point in their career, give counsel in a case that somehow involves the Act. An attorney who is experienced in cases involving the Act can help guide you through the many requirements. Attorneys who practice in this area are usually generous with their time and knowledge, and are often happy to help. Prepare by going to the Judge Advocate General's website (www.jagcnet.army.mil/legal) and obtaining the publication JA 260. You can also obtain a wealth of information at the American Bar Association, Family Law Section, Military Committee website. ■



Karen Robbins is a practicing family lawyer in Maryland. She is an active member of the American Bar Association, Family Law Section's Military Committee, and has presented on military issues in divorce on state and national levels.
www.KarenRobbinsLaw.com

More Related Articles

Help! It's My First Military Divorce

By Mark Sullivan

A member of the armed forces has just called your office for an appointment next Monday. He says he wants to file for divorce. How should you prepare?

www.familylawyermagazine.com/articles/first-military-divorce

The Uniform Deployed Parent Custody and Visitation Act

By Mark Sullivan

A vast step forward in providing standard steps, rights and procedure to use when a military parent leaves on unaccompanied military business.

www.familylawyermagazine.com/articles/the-uniform-deployed

The National Conference on Divorce: Where Top Lawyers and Top Financial Experts Meet

Family Lawyer Magazine spoke to several prominent experts who will be presenting at the AICPA/AAML 2014 National Conference on Divorce. This Conference is uniquely geared to lawyers and CPAs, business valuers and other financial professionals working in divorce related fields, and focuses on complex financial, litigation, and settlement-related issues common to divorce lawyers, accounting professionals, business appraisers and others. Held at the Bellagio Hotel in Las Vegas on April 24th and 25th, 2014, the Conference presents opportunities for valuable networking and a highly enjoyable forum to earn CLE credits.



Nancy Fannon on Divorce Valuation Hot Topics

Nancy Fannon has 25 years of professional valuation and damages experience. Nancy says that the experts at the National Conference of Divorce always have well-prepared presentations and put together sessions on very important topics specific to a divorce niche practice. She will be discussing important issues that come up often in valuations for divorce purposes, as well as the latest research and related court cases. As a bonus to attendees she is offering a white paper on valuation of corporations at the Conference, and a subscription to her newsletter. Nancy will give advice on hot topics in divorce valuation, such as what professionals should do when the court doesn't accept certain valuation methodologies that the appraiser may think is relevant, and other specific divorce valuation related issues, such as:

- Tax affecting and calculating discounts for lack of marketability
- Using fair value or fair market value in particular states
- How to calculate the increase in value due to marital effort
- An expert witness session geared towards lawyers
- How to use experts most effectively in court or in settlement process

Nancy Fannon is a partner in charge of litigation services at Meyers, Harrison & Pia, a firm specializing in business valuation, economic damages and litigation support services. She published two professional reference books on valuation and was inducted into the American Institute of Certified Public

Accountants Business Valuation Hall of Fame for lifetime achievement. www.mhpcpa.com

To read or listen to the full interview please visit: www.familylawyermagazine.com/articles/nancy-fannon.



Jay Fishman on Valuation Controversies

Jay Fishman, one of the most highly respected valuation experts in the country, has been actively engaged in the appraisal profession since 1974. He has co-authored several books including the highly acclaimed Guide to Business Valuations and Standards of Value. Jay says that everyone at the AICPA/AAML Conference is a teacher and that the formal and informal learning opportunities provided are invaluable. He is offering material from recent speaking engagements and copies of the second edition of his book, Standards of Value, as give-aways to attendees. Jay's presentation will be focusing on controversial and ambiguous areas in valuation for divorce purposes, including:

- The issue of separating personal assets from enterprise assets
- The difference between saleable personal good will vs. enterprise goodwill
- The models used in business valuation
- The pitfalls to look out for when valuating
- How to conduct yourself with an expert in a business valuation issue

CONTINUED ON PAGE 44

AAML members receive a \$300 discount. (Use coupon code AAML14 at checkout.)

Save an additional \$75 with the early bird rate, and register by March 3, 2014!

(This discount is applied automatically at checkout.)

AICPA/AAML National Conference on Divorce

April 24–25, 2014 • Bellagio, Las Vegas, NV

Pre-Conference Workshops: April 23

The American Institute of CPAs and the American Academy of Matrimonial Lawyers teamed up to develop a unique, comprehensive, high-level event. This conference is designed to provide you with innovative ideas, new strategic solutions on how to split marital assets, access to key case studies, and cutting-edge thinking that will prepare you for any issue your client experiences.

Who Should Attend?

This conference is open to all family lawyers and all divorce financial experts. You do not have to be a CPA or an AAML member to attend this conference. You should also attend this conference if you are a business valuator, pension valuator, CDFA, or financial planner whose practice involves divorce.



Learn more or register at

<http://bit.ly/AICPA-AAMLdiv14> | 888.777.7077



Protecting Your Clients' Digital Assets and Electronic Communications

By Nicholas G. Himonidis, Attorney and Private Investigator

How can your clients protect themselves when their electronic communications and confidential digital information is specifically targeted by those who have physical access to their devices?

Many recently reported cases have demonstrated that an acrimonious divorce or custody battle can be fertile ground for hacking email accounts, the use of illegal spyware and unlawfully accessing private computer and cellphone data. With physical access to the devices in question, virtually all traditional computer security protocols can be defeated.

The following protocol, known as “Digital Defense 101,” can neutralize the threat of digital compromise from adverse litigants with physical access to the client’s home, office or personal spaces.

Specific Defenses to Specific Threats

Computer or smartphone spyware silently documents activity and relays information to the installer. Such programs consistently avoid detection by commercial anti-virus/anti-malware scanners and professional forensic examinations to locate these threats, and can cost upwards of \$3,500 per device.

Any client who feels their digital information is at risk during the course of an acrimonious litigation should follow these steps to defeat the threat.

1. Stop using the devices immediately, and copy specifically recognized user-created, uploaded or downloaded files to a removable drive.
2. Replace the smartphone. Refrain from connecting it to the old phone. If calling records are compromised (i.e. the bill showing incoming/outgoing calls), an unlisted prepaid

- phone with no bill should be purchased instead.
3. Replace the computer used for internet access with one that either has built-in independent internet access (3G/4G) or a separate physically-connected 4G AirCard. A high quality anti-virus/anti-malware scanner must be used on the removable drive before transferring the files.
4. Configure both devices outside the suspect wireless network’s range, eliminating any chance of accidental connection. Your client should learn to enable and disable each device’s wireless adaptors so that Wi-Fi access is only enabled when secure and disabled in suspect locations.
5. Limiting unauthorized access by someone with physical access to the new devices will prevent spyware installation and guard against data being copied:
 - Phones: Enable all security features. Your client must choose and memorize a random password, enable a short time period before auto-lock and small number of wrong password entries, and always lock their phone. Remind your client to hide the phone in addition to using the password lockdown feature.
 - Computers: Use the BIOS setup menu upon computer reboot to enable a BIOS Level Password. BIOS Level passwords are extraordinarily difficult to bypass even by computer forensic professionals. Remind your client to shut down the computer regularly so the BIOS Password is always required.
 - Remember: Your client must only use independent internet connections built into or attached to the new device.
6. Using the new computer and secure, independent internet

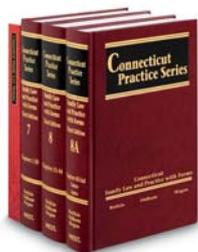
CONTINUED ON PAGE 50



**High-Net-Worth and
Complex Divorces Require
Exceptional Attorneys**

Setting Precedent, Advancing Law and People's Lives

Founded in 1982, Rutkin, Oldham & Griffin, LLC is a well established family law firm in Connecticut with a team of exceptional attorneys who practice family law exclusively. We have litigated landmark cases and have testified and caused changes to important legislation impacting custody, child support, asset division and arbitration for divorces.



Authors of the Book on Connecticut Family Law

Our distinguished attorneys have published and lectured prolifically in the field of family law. Members of our firm have coauthored *Connecticut Family Law and Practice*, an essential resource for judges and family lawyers.

Focusing on High-Net-Worth, High-Income Divorces and Custody Disputes

Our firm chooses to work with select clients who often have legally, financially and/or emotionally challenging cases because of the high income and considerable family and business assets at stake, or because alimony, child support and custody are being contested. We are able to provide the best service our sophisticated clients require and deserve by limiting the number of clients we represent.

Protecting the Best Interest of Your Children and Your Financial Future

When litigation is necessary, we advocate aggressively on your behalf. We have been involved in countless custody and relocation cases and have always put the children first in divorce. We will investigate financial data and assess the value of your properties, businesses, investment portfolios, retirement plans and other assets to help you make decisions that often have long-term financial impact.

The Most Prepared Team for Your Divorce

Our attorneys bring nearly 150 years of combined legal experience to every case, along with their prior experience with a family-run business, in real estate law, as a hospital Chairman and as a psychologist. We know when and how to assemble a team that fits your specific needs. Your team may include outside forensic financial, custody and other experts. To achieve the best outcome, we prepare for trial, yet know how to settle. You will benefit from the creative solutions that often come from our collective expertise.

Top Service with Integrity and Compassion

Our senior partners have personal experience with divorce. We know and appreciate what you are going through. You can count on us to deliver highly personalized service with compassion and to always provide legal guidance with your best interest at heart.

Complex divorces require exceptional family law attorneys



Rutkin, Oldham & Griffin, LLC.
law@rutkinoldham.com • www.RutkinOldham.com

(203) 227-7301

5 Imperial Avenue, Westport, CT 06880

(203) 869-7277

Two Lafayette Court, Greenwich, CT 06830

3 Common Pitfalls in the Formulation of QDROS

A look at the three main pitfalls facing lawyers needing QDROS for clients.

By Mark Altschuler, Actuary

1. Survivor Benefit Language

When formulating QDROS for clients, the biggest pitfall is in the survivor benefit language, which is critical to maintain benefit levels in various plans. In most state and federal plans, more than one survivor is allowed, which means that even if the language is not explicitly formulated in the agreement, it still applies and can be claimed. There are certain exceptions, such as the New York City Employee Retirement System, which only allows one survivor, and the Florida Retirement System, which allows none — regardless of the language used in the agreement. For military service members, the survivor benefit language is imperative because there can't be two survivors. The Military Court Order (i.e. a QDRO in the military) usually provides that the first spouse is the survivor, so the second spouse cannot be added to the agreement. The only workaround possible is if the first spouse agrees to indemnify the second spouse as the sole survivor beneficiary. Language must be previously implemented in the marital settlement agreement to be enforced, especially in military orders, and must be clear even in plans that automatically delegate the alternate payee's portion, or risk the benefit half when the plan holder dies.

2. Understanding The Concept of Coverture

Another big pitfall is the misunderstanding of the concept of coverture. Many attorneys will put language in their agreements that the alternate payees portion would be 50% of the benefit accrued from marriage until the cut-off date. Where the marital piece of the pension ends at the cut-off date is a concept called bright line, and only applies in Virginia, Texas and Florida. Most states follow the coverture method, where the marital piece doesn't end at the cut-off date but is a continued benefit during retirement called the coverture fraction, which is service during the marriage divided by total service. If you put in language "one half the marital portion" then in a coverture state it automatically means that — yet many agreements say that one half the benefit accrued between marriage and the cut-off date, which means you could be short-changing your client.

3. Dollar Amounts and Lump Sums in Defined Benefit Plans

The third of the QDRO pitfalls is including a dollar amount or lump sum value in a defined benefit pension plan marital settlement agreement. In one case, the marital pension valuation was \$96,000. Typically, you take a valuation, the pension's dollar lump sum value, and do an offset with any other involved assets, such as the house, to come to a percentage award. Another good solution is a complete cash buyout. According to the language in the faulty Marital Settlement Agreement, the alternate payee gets 50%, "half of \$96,000". A valuation is unnecessary if the alternate payee gets 50%, but the extra language referencing \$96,000 could limit the award to the alternate payee. The participant said that the spouse was only entitled to half of \$96,000, because of the superfluous language referencing \$96,000. Limiting the Alternate Payee's award to \$48,000 disallows a coverture QDRO. In addition, \$48,000 cannot be paid as a lump sum from a defined benefit pension. ■



Mark K. Altschuler is President and Actuary of Pension Analysis Consultants, Inc., serving all 50 states from offices in Pennsylvania & Florida.

He has performed over 25,000 pension valuations and QDROS, and is an affiliated member of the American Society of Pension Actuaries and Professionals. www.pensionanalysis.com

Which “half” your client gets



makes *all* the difference!

Can your client afford to accept the proposed settlement?
Would you stake your reputation on it?

A **Certified Divorce Financial Analyst® (CDFA™)** professional can help you and your client address the **financial issues of divorce** with reports that can help achieve settlements that work today – *and* in the future.

A CDFA professional can:

- ◆ Complete the detailed financial work for you – including collecting and organizing financial documents – making case preparation and settlement easier
- ◆ Provide in-depth analysis of the short- and long-term financial effects of a proposed settlement
- ◆ Work as a consultant or expert witness

Find your CDFA advantage here:
www.InstituteDFA.com/lawyer

 **(800) 875-1760**



Institute for Divorce
Financial Analysts™

Clients' Irrational Choices and Their Cognitive Processes in Financial Decisions

By Justin Reckers, Financial Advisor, and Robert Simon, Forensic Psychologist

People's financial preferences are often unclear or ill-informed when they are set in the midst of ambiguity created by life experiences, so it's perhaps not surprising that "economic irrationality" is plentiful in the financial decisions of divorce.

Discoveries made in cognitive psychology since its founding in the 1970s have shaped how psychologists and economists perceive the science behind cognitive processes in financial decisions. By considering some common intersections of psychology and economic theory in the context of financial decision-making, you will be better prepared as an advisor to serve your clients.

Things to Consider:

- **The financial negotiations of divorce** made by your clients during and immediately after a divorce process will be the largest financial transaction most individuals will ever participate in, and those decisions may determine the individual client's feelings of financial comfort and security for many years to come.
- **Couples make plans together.** A couple may have decided to reinvest all of the profits from their small business back into growth instead of paying down a mortgage or saving for retirement. When it comes time for divorce it is often not possible to turn that business into cash because a sale is not advisable.
- **Divorce is anxiety provoking, even scary.** The ambiguity of a now unknown financial future creates high levels of anxiety in clients navigating divorce. High net worth clients are just as anxious as the less financially fortunate. Losing half of \$10,000,000 hurts a lot more than losing half of \$500,000.
- **Ambiguity is rampant in divorce.** Clients are often left without clear guidelines for what to do and how to manage things during the proceedings. They are advised by lawyers, friends and family members and the advice is usually different from one person to the next.
- **The financial status quo is always preferred.** Almost every

divorcing person you will ever encounter will prefer that things, at least their financial situation, remain the same post divorce. Reality is, the paycheck won't go as far, so everyone loses financially in divorce.

- **Trust is not easy to come by.** It is common to see a marriage ending because of loss of trust related to deception. You would be surprised how often that loss has money as a main factor. Financial infidelity is more common than the average advisor knows. Also, when a client loses trust in their spouse over money issues it often results in a costly effort to uncover hidden assets.
- **Hyperbolic discounting is completely rational** in the economics of divorce. There is a very real possibility that taking less, or paying more, today will turn into a far better deal than the alternative, when your client incorporates the emotional and economic costs of ongoing litigation and ambiguity of the outcomes.

Understanding the client's wants, needs, preferences, inclinations and biases will allow you to help your clients make economically "rational" decisions as they navigate the largest financial transactions of their lives, set amidst the greatest emotional chaos they will ever experience. ■

This article has been condensed. For the full version visit: www.familylawyermagazine.com/articles/clients-choices.



Justin A. Reckers, CFP®, CDFA™ Chief Executive Officer of Pacific Divorce Management, a national network of financial advisors specializing in the financial intricacies of divorce and Director of Financial Planning at Pacific Wealth Management®. www.pacdivorce.com



Robert A. Simon, Ph.D. is a forensic psychologist, author, trial consultant, expert witness and alternative dispute resolution specialist based in Del Mar, CA. www.dr-simon.com



Delivering Customer Confidence with Proven Results Since 1989

Experience the QdroDesk Difference

A superior QDRO preparation solution through expertise, innovation, and reliable customer service.

Where Technology Impacts QDRO Preparation



QdroDesk.com delivers a QDRO that does everything you need it to do.

At QdroDesk.com we deliver a QDRO that not only complies with federal and state laws, conforms to plan guidelines, and is executable by the court but, most importantly, implements the provisions of the parties' PSA/MSA.

You can even eliminate hassle by sending your clients directly to QdroDesk.com.

The QdroDesk Difference is...

- *INSTANT QDRO Delivery and Printing*
- All Plan Types Covered
- A Comprehensive 9-Point Review Process
- Corresponding Settlement Agreement Language
- Full Document Control (PDF and MSWord)
- Case Management
- Toll-Free Phone Support from an Experienced Team of QDRO Specialists

A Service Provided by
PENSION APPRAISERS, INC.
Established in 1989

QdroDesk.com

Be QDRO Smart. Be QDRO Savvy. Be QDRO Safe.

Call Us Toll-Free at 1-877-770-2270



Discovering “Hidden” Income Using Individual Tax Returns

A review of personal tax returns can enable attorneys to gain an understanding of the possibility of hidden income.

By Kim Onisko and JB Rizzo,
Forensic Accountants

Clients often allege hidden income, but are not necessarily accurate in their allegations. It is invaluable for a lawyer to quickly assess these claims. The lawyer can then moderate the expectations of the client or call in a forensic accountant for further expert-investigation.

In general, the ability to “hide income” is primarily available to owners of closely held businesses. However, do not begin this analysis with the corporate or partnership tax returns; begin with the individual tax returns. Our caveat is that there are many ways to obscure and underreport income to the taxing authorities, some sophisticated and many not so sophisticated, our method is designed to establish the fact that further investigation is necessary. In other words, it serves as one of your tools to assess the cost/benefit analysis of bringing on a forensic accounting expert to your client’s team. Our method will not uncover every instance of underreported income.

A quick review of selected elements of the last three years of personal tax returns can give you an idea of the truth of hidden income allegations. You are looking at three years, or longer, to give you a large enough cross section to eliminate one-time tax event variables and/or to compare current tax return information to prior years, ideally to recognize a time when a spouse had not planned to divorce, if possible.

While tax returns appear formidable and unintelligible, you just need to know some basics. The first two pages of the tax return are all you need to do this analysis. These pages are labeled “Form 1040, Personal Tax Return”. These two pages are the summary of all the data found in all the pages, forms and schedules following.

Our analysis is a simple question: does this tax return show enough income to pay for the expenses of the family unit?

The interviews you have had with the client will assist you in honing your analysis. These questions are the same you analyze in attempting to understand the marital standard of living. Remember to quantify amounts, asking follow-up questions to establish reasonable cost estimates. These costs of living are not deductible, with some exceptions, and therefore are not listed on tax returns. Gain an understanding of how much money the family spends, saves, or reduces debts on an annual basis.

1. Do the kids go to private schools?
2. Are the kids involved in expensive sports or hobbies?
3. Does the family travel frequently?

CONTINUED ON PAGE 29



CohnReznick is an independent member of Nexia International

cohnreznick.com/divorce

**Don't Blame
Uncertainty
For The Weak
Recovery**

— *Businessweek*

© 2013 Bloomberg L.P. All Rights Reserved. 8/30/13

What does CohnReznick think?

Today's world is challenging enough. When complex divorces demand insight and advice, matrimonial attorneys and their clients turn to **CohnReznick Advisory Group** for the expertise and efficiency of a proven single resource for business valuation, litigation support, and financial advisory needs. Find out what CohnReznick thinks at CohnReznick.com/divorce.

CohnReznick. Where forward thinking creates results.

COHN  **REZNICK**

ACCOUNTING • TAX • ADVISORY



4. What are the other living expenses?
5. Are there increasing savings in bank or investment accounts?
6. Are their debts increasing or decreasing?

Business-owner taxpayers have an obvious financial incentive to under-report income to the government and our government lacks the resources to vet business income reported. A taxpayer's financial transgressions, fortunately, are aggregated and pop out as one number on a personal tax return as "Taxable Income".

Taxable income is found on "Form 1040, Personal Tax Return", page 2, line 43. Observe this number and compare it to the family unit's living expenses estimated during your interview. Does taxable income exceed the estimated living expenses of the family unit, excluding mortgage interest paid and property taxes (common housing costs that are deducted on the tax returns to arrive at taxable income)? If you suspect it does not, you might have a hidden income issue.

Example:

Take the "Taxable Income" figure and subtract estimated expenses (not including the above-mentioned housing costs). Estimated expenses were determined in your interview and/or an examination of bank statements and credit cards. If it is a negative number, it makes sense to hire a forensic accounting expert as unreported income may exist.

Taxable Income	\$100,000
Known living expenses	
Auto expenses	\$20,000
Private school tuition	\$40,000
Spending on credit cards	<u>\$70,000</u>
	(\$130,000)
Increase in savings (non-pension)	
Investment accounts	\$25,000
Loan payoffs	<u>\$30,000</u>
	(\$55,000)
	<u>(\$85,000)</u>

Further inquiries are necessary. How is the family unit funding \$85,000, almost double their reported income? Savings increased, debts decreased, and there is no one else providing funds, such as relatives. Hence, this analysis supports an instance of "hidden" income. In many cases, forensic accountants examining the business books and records will uncover these personal costs, which is a common form of underreporting income. ■



Kim Onisko and JB Rizzo are forensic accounting experts serving clients involved in business and marital dissolution litigation, mediation/arbitration or Collaborative Law dispute resolution situations. www.OniskoScholz.com

Gill and Associates, Inc.
A Premier Private Investigation Firm

Call
215-790-0800

Gill and Associates is a full-service private investigation firm, well known and respected in the legal and investigative communities for over 20 years. We specialize in a multitude of services and welcome the opportunity to work with you and your clients in finding solutions for their investigative needs.

www.gillandassociates.com
gillandassociates@verizon.net
1500 Walnut Street, Suite 1103, Philadelphia, PA 19102

Licensed, bonded, and insured in PA, NJ, and DE. Members of The National Association of Legal Investigators, The Pennsylvania Association of Licensed Investigators, The New Jersey Licensed Private Investigators Association and U.S Process Servers Association.

Forensic Accounting Offices

Cathleen Collinsworth

Trust Us For the Financial Advice That Can Lead Your Client To an Equitable Settlement

A Unique Combination of Skills You Need

- ▶ Certified Divorce Financial Analyst (CDFA™)
- ▶ Master Analyst in Financial Forensics (MAFF™)

Affordable Fees and Quality Results

- ▶ Authentic Communication and Personal Service
- ▶ Setting the Standard for Integrity

Practice Areas Include Collaborative & Mediation Divorce Financial Services

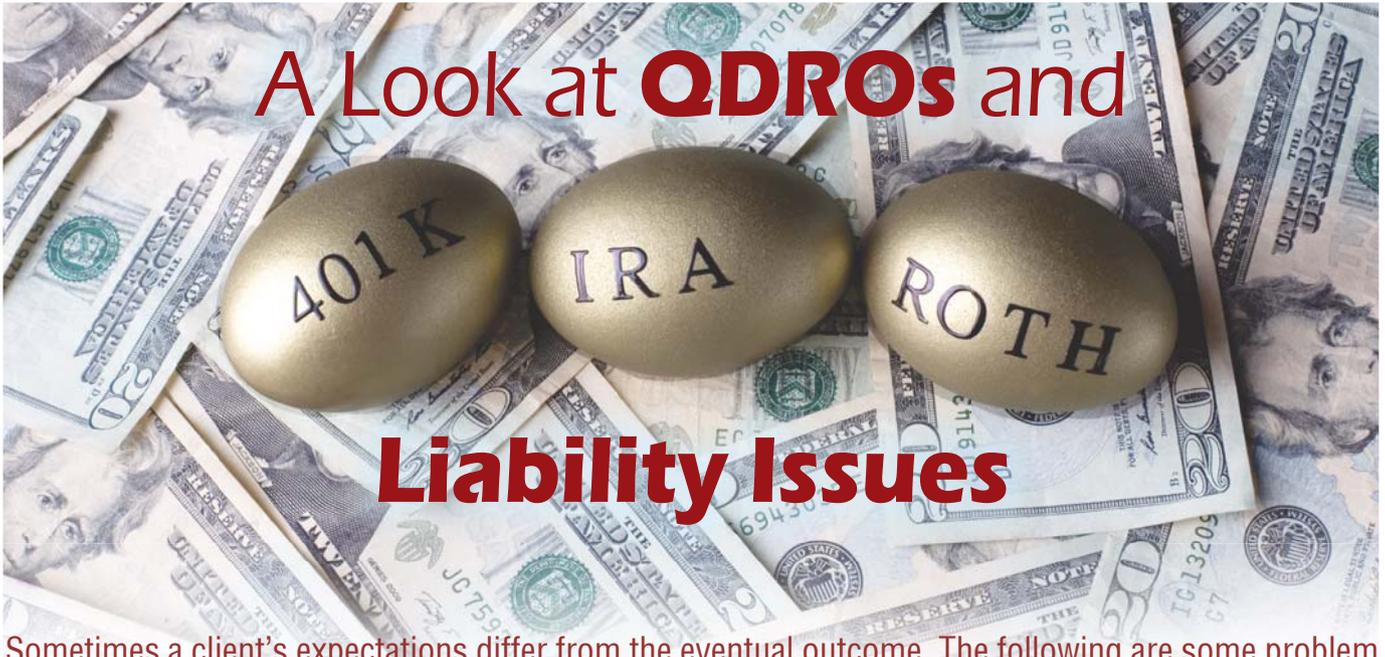
Primary Office:

4000 Barranca Parkway, Suite 250
Irvine, CA
(949) 262-3692
A Non CPA Firm

1-888-679-8940 • info@cccdfa.com • www.cccdfa.com

Cathleen Collinsworth
CDFA™, MAFF™

10% discount for Family Lawyer Magazine readers



A Look at QDROs and

Liability Issues

Sometimes a client’s expectations differ from the eventual outcome. The following are some problem areas with pointers to help family lawyers avoid malpractice claims.

By Timothy C. Voit, Financial Analyst

1. Why not to retain another attorney to prepare a QDRO

In an actual case two attorneys, one attorney who represented the husband in the divorce, and the attorney hired to prepare the QDRO, agreed and signed off on a QDRO that led to the alternate payee spouse receiving twice as much as the amount intended (in the hundreds of thousands of dollars). The wrong date of segregation (of the account) was used and when gains and losses were applied it was misunderstood by both attorneys as to whether or not gains and losses should have applied, and if so, as of what date. The attorney retained to prepare the QDRO washed his hands of the case and pointed the finger at the attorney who hired him. This problem was eventually resolved by submitting an amended order, prepared by none other than a non-attorney QDRO specialization firm.

2. Examine the background of who you retain to prepare the QDRO

Does their educational background make them an expert in QDROs? Do

they have more than 15 years of QDRO experience? Why over 15 years? Because QDROs often do not mature, or go into effect for 15 or more years. You would therefore know if the firm had prepared faulty QDROs from the past.

3. Confusing what can be done in the private sector with what is done with governmental retirement plans

The term “QDRO” pertains to the private sector and is a product of the Retirement Equity Act of 1984, as an amendment to ERSIA of 1974. Government plans include the military, federal, railroad (through the Railroad Retirement Board), state, and municipal plans. These plans are exempt from ERISA and therefore exempt from QDROs. However, most (except municipal pensions) accept the functional equivalent of a QDRO to carve out a portion of the pension as marital property, alimony or for child support.

What has evolved over the past 20 to 25 years is that in the private sector it is customary to prepare and submit to the plan administrator a separate

interest QDRO, meaning an alternate payee spouse receives their share of the pension based on their lifetime, as opposed to the plan participant spouse’s lifetime. The pension plan, designed to pay out a monthly pension amount over a lifetime, is different, than say, a 401(k) comprised of an account balance. The separate interest in effect guarantees the alternate payee their awarded share over their lifetime, regardless of whether or not the plan participant spouse lives or dies.

Pre-retirement survivor benefits, however, may need to be included in the verbiage of the QDRO to secure the alternate payee’s share prior to their commencement. Also, keep in mind separate interest is not possible with a government pension. Here, the spouse can only share in the monthly pension amount at the time the participant spouse retires and only for the lifetime of the plan participant.

A further distinction is that under a separate interest an alternate payee spouse can receive their share at any time after the earliest retirement age

of the participant spouse, regardless of whether or not the participant spouse retires. This, however, is not true of government pensions. The spouse must wait until the participant spouse retires to receive their share and they can only receive their share at the time of retirement.

4. The words, “if, should, or if any” cannot be overused in a settlement agreement or QDRO

When trying to achieve an equitable distribution of a retirement plan asset you do not want to specify an age at which a spouse is to receive their share. Rather, point out that the spouse is to receive their own separate independent interest if possible with benefits commencing at the time of the other spouse’s retirement, or earlier if permitted by the terms of the plan. ■



Tim Voit is a recognized expert, financial analyst and founder of Voit Econometrics Group Inc. He is the author of Retirement Benefits & QDROs in Divorce, and Federal Retirement Plans in Divorce — Strategies and Issues.

www.vecon.com

More Related Articles

How to Correctly Identify Retirement Plans in a Divorce

By Louise Nixon

Key tips for identifying various retirement plans in divorce cases.

www.familylawyer magazine.com/articles/correctly-identify-plans

9 Reasons Why Plan Administrators Reject QDROs

By Theodore K. Long

There are many reasons why proposed QDROs are rejected, and here are some common ones.

www.familylawyer magazine.com/articles/9-reasons-reject-qdros

Divorce Investigation

Sequence Inc. Forensic

Accounting specializes in high

net worth divorce, assisting

divorcing parties by performing

lifestyle analysis, searching for

unreported income, finding

hidden assets, critically analyzing

personal and business finances,

and providing expert testimony.



Tracy Coenen

CPA Licensed in Illinois and Wisconsin

Certified in Financial Forensics

Cases accepted nationwide

sequence inc.[®]

Forensic Accounting, Investigations, and Expert Services

Chicago: 312.498.3661

Milwaukee: 414.727.2361

divorceinvestigation.com

Standard of Value for Marital Dissolutions

By Shannon Pratt and Alina V. Niculita, Valuators

There can be many definitions (and interpretations of definitions) of value. Unfortunately, in most states, the definition of value for marital dissolution purposes is not clearly spelled out, leaving much room for interpretation. The lack of clear definitions and interpretations challenges appraisers and lawyers to work together to assist the courts in creating some sound precedential case law that will clear up much of the existing confusion.

Family law courts sometimes use a fair value standard of value that can be inferred from the language and rulings in the case. When this standard is used, it usually is not intended to be synonymous with "fair value" as used in dissenting stockholder actions, although some marital dissolution decisions have expressly referred to the fair value standard used in shareholder oppression and appraisal actions. Rather, it usually means something akin to fair market value with some (usually not-well-defined) modification(s). Some traits characteristic of fair value cases are that distributions are made on a pro rata share of enterprise value with no discounts; there are no "shareholder level" discounts such as discounts for lack of marketability or lack of control; some element of goodwill is included, but discounts are disallowed; the case emphasizes that the spouses are unwilling sellers (or buyers); or the case emphasizes that the distribution must be "fair."

Some states, such as Florida, Hawaii, Illinois, Missouri, Pennsylvania, South Carolina, Texas, and Wisconsin adhere quite strictly to the standard of fair market value, the price at which the property would change hands between well-informed, willing buyers and sellers on an arm's-length basis. Some states, such as Arkansas and Louisiana mandate this standard by statute for the valuation of certain types of marital property. Those espousing the fair market value standard say that it is unfair to value the property that one spouse will receive at more than that spouse could actually realize in a sale.

Other states adhere to the concept of value to the owner, reflecting whatever special circumstances may make the property more valuable to that owner than to someone else. Although the courts are not consistent in what



they call this value, both business appraisers and real estate appraisers call it investment value. States that have used an investment value standard of value include Arizona, California, Colorado, Kentucky, Michigan, Montana, Nevada, New Mexico, North Carolina, and Washington (however, such use has not precluded the application of other standards in these states). Depending on the owner's special circumstances, this value could be much higher than the value to other investors. The rationale for this position is that if a sale is not imminent, the question of how much the property would bring is irrelevant. States do not have totally consistent positions on this critical issue. ■

This article has been condensed. For the full version visit: www.familylawyer magazine.com/articles/standard-value.



Shannon P. Pratt is the Founder and Alina V. Niculita the President of Shannon Pratt Valuations, Inc. Dr. Pratt has more than ten books in print on various business valuation topics, and has testified on hundreds of occasions in various types of litigated matters. Ms. Niculita manages valuation engagements and has contributed to several business valuation books. www.shannonpratt.com

ONISKO & SCHOLZ, LLP
Certified Public Accountants
Forensic Accountants



Helping attorneys understand family law financial matters

Onisko & Scholz, LLP Certified Public Accountants is a boutique CPA firm based in Long Beach, CA. We are forensic accountants, and perform accountings, litigation support and expert testimony.

- **Income Available for Support**
- **Undisclosed Income**
- **Cash Business Analysis**
- **Business Valuation**
- **Hidden Assets**
- **Asset Division**

*We serve California and Nevada.
We are dedicated to providing
excellent service to our clients.*

If you require a forensic accountant that goes above and beyond, please contact us:

(562)420-3100 | www.oniskoscholz.com

Onisko & Scholz, LLP

Certified Public Accountants

5000 E Spring St., Suite 200, Long Beach, CA, 90815



ALUE

Friedman LLP's Forensic Accounting, Litigation Support and Valuation Services Group (FLVS) supports attorneys, businesses and individuals. So when you need answers, value expertise.

Forensic Accounting | Business and Intangible Asset Valuation | Mergers and Acquisitions | Commercial and Economic Damages | Matrimonial Dissolution | Civil and Criminal Tax Fraud | Financial Statement Fraud and Testimony | Bankruptcy, Restructuring and Reorganization

FRIEDMAN – THE NAME YOU SHOULD KNOW®

Barry S. Sziklay, CPA, ABV, CFF, PFS
bsziklay@friedmanllp.com

Joseph Ammirati, CPA, ABV, CFF, ASA
jammerati@friedmanllp.com

David Firestone, CPA, CrFA, CFE, CFF
dfirestone@friedmanllp.com

Douglas J. Heun, CPA, ABV, CFF, PFS, CFP
dheun@friedmanllp.com

Scott Maier, CPA, JD, ABV, CFF, ASA
smaier@friedmanllp.com

Robert C. Meier, CPA, CVA, CFF
rmeier@friedmanllp.com

Michael Saccomanno, CPA, ABV, CVA, CFF, CDFA
msaccomanno@friedmanllp.com

NEW YORK | NEW JERSEY | LONG ISLAND | BEIJING



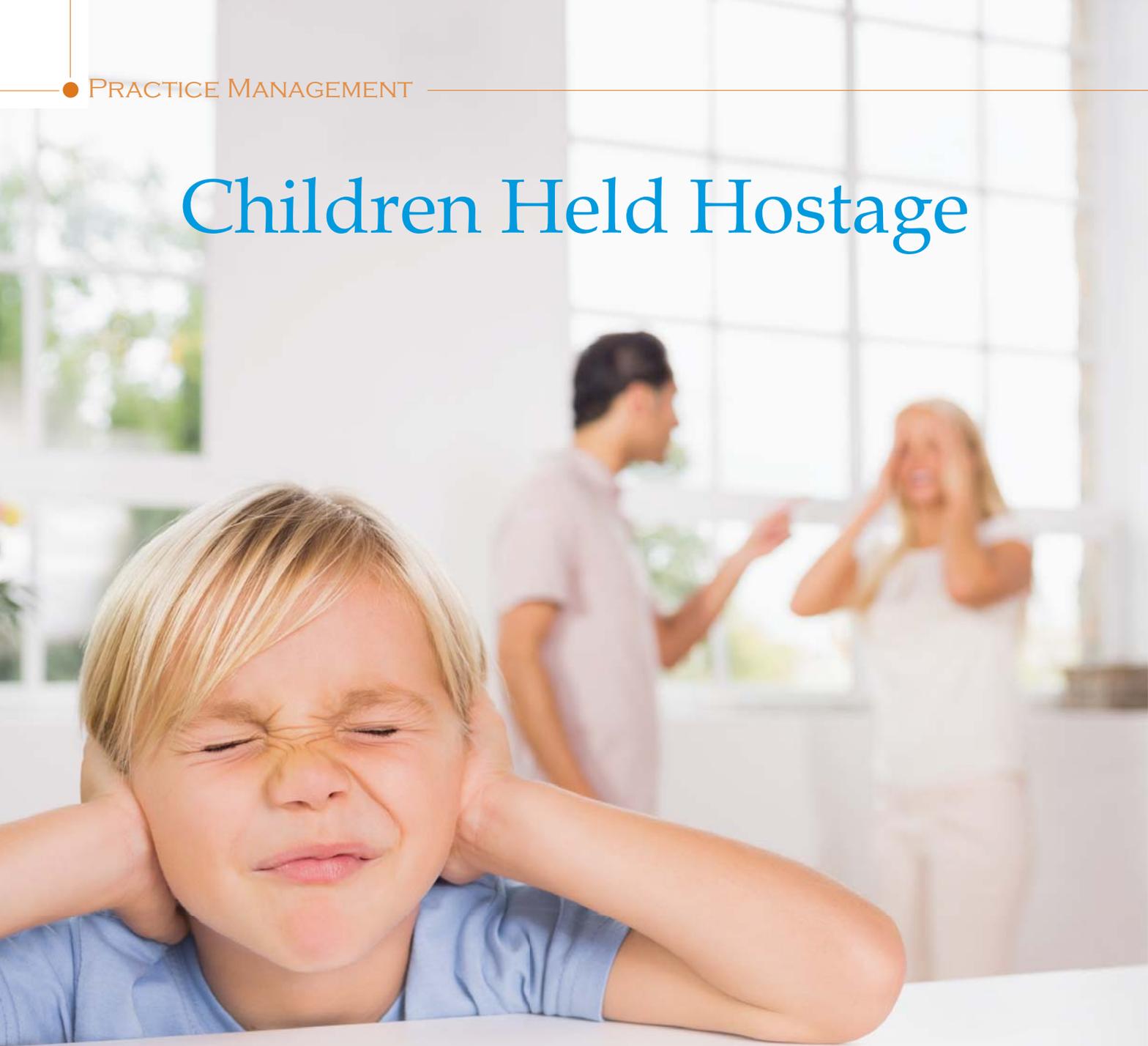
FRIEDMAN LLP
ACCOUNTANTS AND ADVISORS

WWW.FRIEDMANLLP.COM

© 2013 Friedman LLP. All rights reserved. An Independent Member Firm of DFK with Offices Worldwide



Children Held Hostage



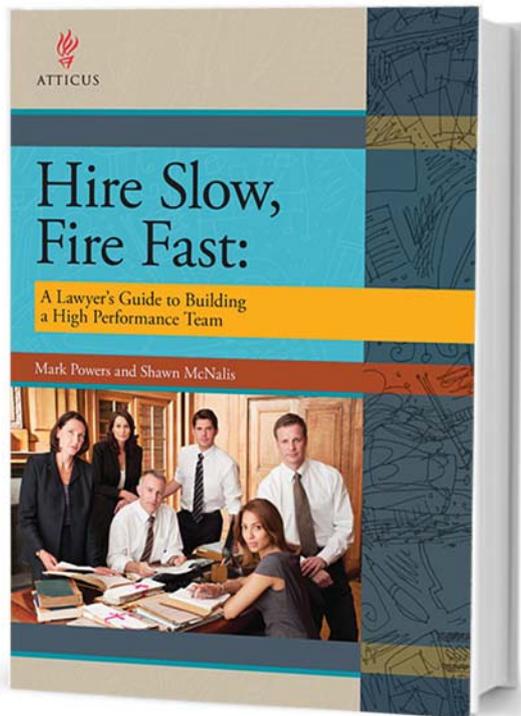
Family Lawyer Magazine interviewed author, sociologist and family mediator Stanley Clawar to discuss how family lawyers can identify and work with professionals to handle parental alienation cases.

Could you provide us with the background on “Children Held Hostage” and its origins?

The book actually started as a research project back in the late '70s and early '80s. We discovered this problem, which some call alienation but we refer to as programming and brainwashing. It goes by about 50 other terms as well. This was occurring in many, if not all, cases of conflict in family matters. The courts, attorneys and therapists were searching for an understanding of who was responsible, why and what was happening to the children — and more recently, what can be done to undo such damage and help children re-affiliate with their parents. Originally we had a sample of about 700 families, and that was published in 1991. This new edition adds another 300 families for a total of 1,000, and has about 8 new chapters with updated research from the 1990s.

CONTINUED ON PAGE 36

A LAWYER'S GUIDE TO BUILDING A HIGH PERFORMANCE TEAM

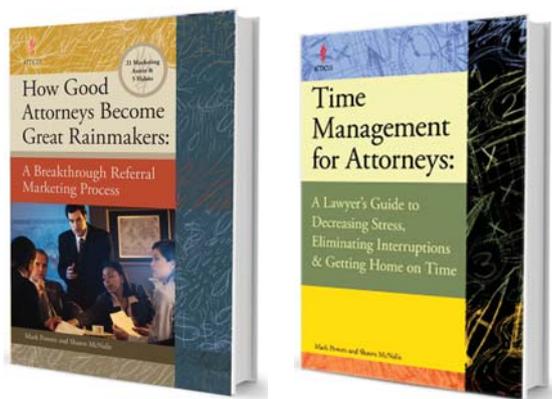


At Atticus, we believe that a well run law firm allows you to help a tremendous number of people, gives you great personal freedom and offers abundant financial rewards. But your firm can only deliver on its potential if you can build a highly productive team. *Hire Slow, Fire Fast* provides you with an easy-to-follow system to help you first build, and then manage and motivate that team. You'll find a comprehensive set of tools that you can use to:

BUILD A HIGHLY PRODUCTIVE LEGAL TEAM

- ★ Maximize profitability by determining the right people to hire
- ★ Optimize your hiring process with proper interviewing techniques
- ★ Assess your applicants to determine their true skill level
- ★ Train and motivate your new hires to maximum productivity

ALSO AVAILABLE:



"...those wise enough to purchase, retain and read this book will quickly be able to find guidance...it's easy to read, and easy to put into practice. All in all an excellent book."

— J.R. Phelps, former director of
LOMAS at the Florida Bar

ORDER NOW at
www.atticsonline.com



Can you explain the difference between brainwashing and parental alienation?

We break brainwashing down to a more complex process. Whereas alienation is a term that's become global, and there's a confusion of the process, the methods and the results. In the book we show a delineation between motivation, techniques, impact and, more recently, we're looking at reunification and what can be done if a child is alienated. But basically they all mean the same thing. And this is where a parent intentionally or unintentionally sends messages about the other parent with the goal of damaging that relationship either in terms of physical contact, or their ability to love that parent.

Most of it has to do with distorting the child's perception of the reality. If a

parent is successful in distorting such a perception, the end result is ultimately a brainwashed child. For example, a child may come to believe that his mother never had anything to do with him, and valuers and therapists will hear this said in the evaluation. You then gather, as an expert, independent information that shows the mother did everything from breastfeeding to teaching the child how to read, and the like. And yet you're sitting and listening to a child who is saying my mother has done nothing for me.

These kinds of assertions are what we call distortions. The child has come to believe a lie. In fact, they then live out the lie because often they will say they don't want to see or be with that particular parent, which some therapists think is a conundrum.

What are some of the driving factors for parents to do this to their children?

In the book there are about fifteen motivational factors that we identify. We are talking about cases where there is no objective basis for abuse. The motivations can be everything from revenge for leaving the marriage, revenge for having a new life, revenge for being successful, all the way down to practical measures. Sometimes if a parent gets more custody, they are likely to get more financial support. They might even get the marital residence.

Another motivation could be their belief that they are a superior parent. In some cases, keeping these conflicts going is actually a way of maintaining the marital relationship.

How do you assess the qualifications of professionals working with brainwashed children?

It's a field that's becoming glutted, meaning that every time a phenomenon is important, you have professionals rushing in, in good faith and bad faith, to offer their opinions. An individual that's going to be helpful to an attorney here should have clinical and research experience, at least to know the research completely, and be able to differentiate the weak studies from the strong studies. They also should have a lot of grassroots experience in working with families in high-conflict divorces and forensics. They should be able to have expertise, whether it's forensic sociology or forensic psychology.

Regular therapists may be able to share some information but they're not going to be of paramount use in these kinds of cases. You need to look at a professional's history objectively. Is their history one where courts generally appoint them for objective evaluations? Do they work with both sides in what are called attorney agreed-upon cases?

You're looking for professionals who have a solid ethical and procedural reputation and are going to give as fair an opinion as they can. Most importantly, the professional has to have expertise in taking comprehensive social histories. Without a comprehensive social history in the case you're not going to be able to delineate if this phenomenon exists.

By bringing in a comprehensive history, you can effectively determine whether a child's view is distorted or not. There is a popular opinion in some disciplines,

CONTINUED ON PAGE 38

Parental Alienation Expert & Consultant
Helping Family Lawyers Succeed in Child Custody Cases

major family services

- Prepares highly effective child custody letters
- Provides advice for lawyers to identify alienating behavior and increase success rates
- Teaches parents the skills the court recognizes
- Helps children deal with custody situations
- Expert Witness Testimony, Mediation, Parental Plans
- Co-parenting consulting

Plinio Garcia, CBPI, MBA, NACD Trained by Jayne A. Major, Ph.D, author of Breakthrough Parenting.

C.310-902-1651 P.800-774-9750
www.majorfamilyservices.com
pj@majorfamilyservices.com

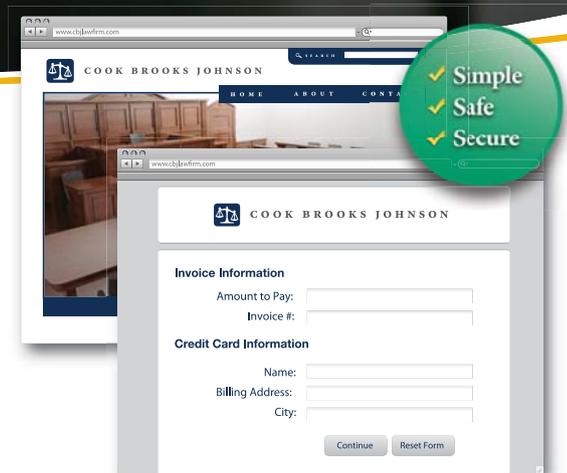
RECOMMENDED BY OVER 70
BAR ASSOCIATIONS



The Easiest Way to Get Paid!

- ✓ Accept Visa, MasterCard, Discover & Amex
- ✓ Save up to 25% off processing fees
- ✓ Control cash flow & increase business
- ✓ Accept credit cards for retainers
- ✓ Avoid commingling client funds

LawPay's unique processing program correctly separates earned and unearned transactions keeping your firm compliant. The process is simple. Begin accepting payments today!



Accept payment online through our
Secure Payment Link

LAWPAY.COM

866.376.0950

CREDIT CARD PROCESSING

AffiniPay ISO is a registered ISO/MSP of BMO Harris Bank, N.A., Chicago, IL.

including psychology, that perception is reality. Well, in these kinds of cases, perception is not reality. When a child believes that his father abandoned him, but never did, that's a distortion. That is not reality. And so the professional has to be able to distinguish between what is perceptual and historically factual. That is what becomes the hub of these cases.

Have lawyers embraced the need for developing more knowledge in this field?

In my travels around the country I have found lawyers and judges extremely receptive to new information. They're the ones sitting in the middle of these problems, either having to guide their clients, or the very judges having to make decisions. I find that most judges and lawyers want to get educated. The turnouts at continuing legal education meetings, for example, are very high. The participation is very intense, and the questions often challenging. So I believe there is a thirst for more knowledge, which is one of the reasons we published this second edition — with what we hope are some new ideas.

There are new chapters in the second edition of your book. Tell us about them.

Yes. And one of the more interesting chapters, at least from our point of

view, is Chapter 14, which is the smallest chapter actually. It's called "Children's Statements." We decided to put together, over the years, statements that children have made about their life. These are children who have often been educated and clinically helped to understand that their views — for example, hostility, hatred, misperceptions, are in fact not accurate. And once they come into a kind of clearer view of their parents and their family life, they often have made statements to us which are somewhat astounding about their views of what their parents have done.

There's been some question as to whether this phenomenon really exists. Well, when you work with these children who are going through different stages of redefining their social perceptions and then their behaviors — including kids who have said I'll never see my mother, I'll never see my father — and then through the interventions that we do, you see them starting to re-affiliate and those are very powerful, not just clinical experiences, but human experiences. They can be children of all ages. We have very young children, we've had teenagers who will often say because of my age the court or others have to honor my opinion, but if their opinion is based on ten years of brainwashing and subsequent distortions, then their opinion may be invalid. ■



Stanley S. Clawar is a Professor at Rosemount College. He is also director of Walden Counseling and Therapy Center in Bryn Mawr, Pennsylvania, and a certified clinical sociologist.

*Dr. Clawar has been a consultant on approximately 2,500 cases involving domestic-relations issues. Children are sent to his clinic from around the country for help. He co-authored the book *Children Held Hostage: Identifying Brainwashed Children, Presenting a Case, and Crafting Solutions, Second Edition*, with Brynne V. Rivlin. This book is available at the American Bar Association website. www.ShopABA.org*

Related Articles

Parental Alienation in Child Custody Disputes

By Marlene Moses & Beth Townsend

The public policy of encouraging the parent/child relationship.

www.familylawyermagazine.com/articles/alienation-custody-disputes

Helping Your Clients When Parental Alienation Happens

By Plinio J. Garcia

Attorneys should be aware that they can help families avoid or minimize the effects of parental alienation.

www.familylawyermagazine.com/articles/clients-alienation

Becoming a Better Negotiator



Whether through courses, reading material, or personal efforts, all divorce lawyers should be making continuous efforts to improve their negotiating skills.

By Gregg Herman, Family Lawyer

Among the anomalies involved in the practice of law is the disparity between the substance of continuing legal education (CLE) programs and the reality of practice. As a rough, totally unscientific estimate, 90 percent of CLE programs in family law involve, in one sense or another, litigation skills. However, my surveys of family law attorneys across the country reveal that 90 percent — or more — of family law cases are resolved through negotiations. If you accept these estimates (or anywhere near them), that means that 90 percent of CLE deals with what lawyers actually do only 10% of their time.

Being a good trial lawyer requires skills and experience. The same applies to being a good negotiator, rather than just being a lawyer who negotiates. The difference in negotiations is more profound, however. Not only do the enhanced skills afford the client a better financial result, but, done skillfully, negotiating can enhance the opportunity for a more peaceful relationship with the ex-spouse in the future.

So, if negotiating is not solely intuitive, what can you do to become a better negotiator? Below are a few suggestions on the topic.

Read Other Material

There is a huge amount of material on the art of negotiations, ranging from philosophical to practical to intellectual. A starting point surely is Roger Fisher and William Ury's classic book *Getting to YES: Negotiating Agreement Without Giving In*. In addition, there are substantial resources on how to negotiate in numerous different forums, many of which can be adopted for family law cases.

Watch Other Lawyers

I had the privilege of watching Leonard Loeb, my boss and later my partner, negotiate divorce cases. Although some of his style does not fit my

personality, I learned and adopted a great deal of his technique.

For example, I saw one session in which Leonard was representing a wife in a long-term marriage whose wealthy husband had been caught philandering. Leonard opened the negotiating session as follows:

"When I asked my client what she truly wanted arising from this divorce, she assured me that she really didn't care about property division or support. What she really wanted was to use a rusty razor and make him eligible for membership in the Vienna Boys Choir. Now, I assured her that the goal was not attainable in a literal sense, so I've had her translate it to dollars."

Although there is no way that I could ever make such an "opening statement" and keep a straight face, watching his style — and the reaction of the other lawyer — was highly instructive.

Take Courses in Negotiating

Just because you have been negotiating for years doesn't mean you can't do it better. Although, as stated above, there are far more courses offered on litigation, there are, fortunately, quite a few on the skills of negotiating.

Take Courses in Related Skills

Negotiating well requires a large set of skills, not all of which are taught in courses on negotiations. Courses in psychology, physiology, human development, marketing, and conflict negotiations all have skill sets that can be highly useful in negotiation sessions.

Be Self-Critical

I heard a story once about a professional speaker. He said that when he gives a speech, there are three versions. There is the one that he plans

CONTINUED ON PAGE 51

What if Mercedes-Benz Could Launch a Family Law Division?

By Dan Couvrette, Marketing Consultant

Why you need to look at your law firm like a business owner and consider the power of branding and marketing.

The Impact of Marketing and Branding

In the U.S. only lawyers are allowed to have an ownership interest in, or be managers of a law firm. The United Kingdom had a similar rule barring non-lawyer ownership, but in recent years firms have been able to take a limited number of non-lawyer partners. The reasons behind this rule is a topic for a separate discussion, and one we won't get into here. Rather, for the sake of argument, I am interested in approaching this as a hypothetical to have you thinking about your firm like a business owner. What if non-lawyer ownership of firms was allowed in the U.S.? What if Mercedes-Benz could launch a Family Law Division?

You might say to yourself: How would Mercedes-Benz compete with me? They know cars, not the law. The truth is that it is not as far-fetched a concept as you may think.

Ikea Wind Farms and Google Health

Many known brands have leveraged their assets and brand loyalty to branch outside of their "core" business. They know they can command almost instant interest and market shares, despite the industry already being filled with well-established brands.



Dr. Shannon P. Pratt
CFA, FASA, ARM,
ABAR, MCBC, CM&AA



Alina V. Niculita
CFA, ASA, MBA

*Thorough,
Comprehensive
Analysis
and
Reports*



Shannon Pratt Valuations

- Expert testimony
- Business valuation reports
- Business valuation report reviews and critique
- Litigation support
- Cost of Capital
- Arbitration
- Goodwill (personal versus enterprise)

Shannon Pratt Valuations is a full service national business valuation firm. Dr. Shannon Pratt has more than ten books in print on various business valuations topics including valuations for marital dissolution purposes. He has testified on hundreds of occasions in various types of litigated matters, including divorce cases. Ms. Niculita and other staff members manage valuations engagements, testify, and contribute to professional reference business valuation books.

Shannon Pratt Valuations takes pride in performing high quality business valuations in all types of industries and assisting clients with the latest research in credible and well-supported reports.

(503) 716-8532

www.shannonpratt.com

9725 SW Beaverton-Hillsdale Hwy.
Suite 360, Beaverton, OR 97005

THE CENTER FOR DIVORCE EDUCATION'S CHILDREN IN BETWEEN ONLINE

A CO-PARENTING PROGRAM FOR DIVORCING AND SEPARATING PARENTS

online.divorce-education.com



\$39⁹⁵



**Takes Just
4-5 Hours
Satisfaction
Guaranteed**

- > Available in both English & Spanish
- > Meets State & Local Rules for Parent Education Requirement
- > Court Approved/Accepted across the United States
- > Subscription provides 30-day access 24/7
- > Client completes course on own computer, in private, and self-pacing
- > Certificate of Completion (ability to print or e-mail directly to attorney)
- > Flexible pricing for low-income and indigent families
- > Free Brochures & Flyers supplied upon request (for displays & client use)
- > Military Discounts available

WE GUARANTEE YOUR CLIENTS WILL FEEL MORE EFFECTIVE AND SATISFIED AS PARENTS



CDE is a 501(c)(3) nonprofit organization founded in 1987.

877-874-1365

staff@divorce-education.com

For example, Ikea, one of the world's biggest furniture retailers, has economy hotels and restaurants in Sweden and is partnering with the Marriott Hotel to create another 150 hotels in Europe. Ikea has also partnered with a Swedish construction giant to build affordable homes. It doesn't stop there. In 2012, Ikea launched its own beer, and in November of this year added Canada to its list of countries where they own wind farms. Ikea also partnered with SBAB to create the bank, Ikano, which operates in 10 countries. Carl-Viggo Ostlund, CEO of SBAB, has said, "Where we can make a real difference is on the customer experience..."

Google is another example. It now offers online productivity software that competes with Microsoft Office's Outlook, Word, and Excel. Google also has its own social networking (Google+), its Android mobile operating system, Nexus smartphones and tablets, and Google Glass. In September, Google established Calico, a biotech company

that focuses on aging and associated diseases. Larry Page, one of Google's founders has said, "There's tremendous potential for technology, more generally to improve people's lives. So don't be surprised if we invest in projects that seem strange or speculative."

What Mercedes-Benz Family Law Division Could Offer

Mercedes-Benz has invested heavily not just in engineering, but also in marketing. Whether you own a Mercedes-Benz or not, you likely "know" the brand means luxury, innovation, reliability, quality product and service. Were Mercedes-Benz to open up a Family Law Division, this same brand quality would likely be a given in the eyes of those seeking a lawyer for their divorce.

By simply extending some of the services it currently offers its automobile customers to family law clients, Mercedes-Benz would reinforce its reputation and provide solid reasons to be the

law firm of choice. For example:

- **Financing** — Extend credit to clients over 60 months at 1% annual interest rate. After all, legal fees for a divorce can cost more than a Mercedes.
- **eBills** — Clients could pay by check, automatic monthly withdrawal, on-line or by phone.
- **An App** — To monitor the progress, manage payments and contact the lawyer.
- **Insurance** — Mercedes-Benz could also take care of insurance for spousal and child payments.
- **Express Service** — Clients could drop in with no appointments and be guaranteed they will not wait for more than 15 minutes to see a lawyer about their case.
- **Hotel Upgrade** — For clients who need to move out of their matrimonial home in a hurry.

How Mercedes-Benz Would Market its Family Law Division

If Mercedes-Benz wanted to, they could

Expert investigator to family lawyers in the United States and abroad

Since 1982, T.J. Ward and his firm, Investigative Consultants International, has provided expert investigative and security consulting services to Corporations, Law Firms and High-Profile People in the United States and abroad. They handle a full range of cases, from corporate fraud and marital infidelity to missing persons and surveillance (including GPS/satellite tracking).

Contact us TODAY and find out how we can help you
678-356-0146



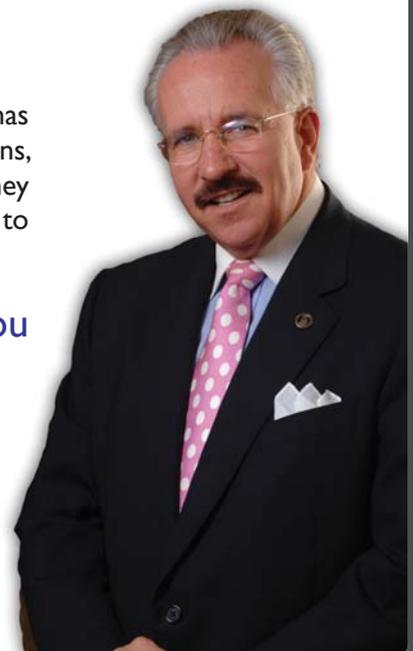
Investigative Consultants International, Inc.

TJ Ward

Offices in Atlanta, GA, Augusta, GA, and Huntsville, AL

P.O. Box 3494, Alpharetta, GA 30023

info@tjwardpi.com • http://tjwardpi.com



As Featured in the Media:



have a network of law offices through their dealerships, giving them national prominence fairly quickly. They have 11 million fans on their Facebook page and a huge budget for print, radio, TV and online marketing. Unlike a lot of “highly qualified” family law firms, Mercedes-Benz is likely not going to be shy about advertising their family law division and its lawyers. By the way, I don’t think they will have issues recruiting good lawyers who want to focus on lawyering without the need to worry about bringing in the business or billing their clients.

Mercedes-Benz knows that a Mercedes is an emotional purchase, not just a need. They have mastered the ability to provide an experience for would-be owners of their product. One of their print advertisements has this headline: “If you don’t enjoy your money, your ex-wife will. The ultra-luxurious S-Class. Spoil yourself.” Hiring a family lawyer for a divorce or any other family law matter is making an emotional purchase at a highly emotional time. You can count

on marketing-savvy companies such as Mercedes-Benz to know how to create the experience these prospective clients can relate to.

How Would Your Law Practice Compare to Mercedes-Benz?

If you were to ask individuals from a city what comes to mind when you name your law firm, or for that matter, one that has been around for 50 years, it’s likely there would be little to no recognition of either name, service level or reputation.

Isn’t it ironic that a divorcing person could potentially have a clear expectation of a firm that does not exist such as Mercedes-Benz Family Law LLP, and no idea about a firm that has been around for 50 years? This is the power of branding and marketing.

A Paradigm Shift: Embrace Marketing

Your firm will not become a household

name overnight, but it could, and you do have to begin somewhere. For most family law practices, the first step is to have a paradigm shift in how they perceive the business of family law. You are not just practicing law; you are running a business, and this business needs to be marketed. Appropriate and strategic marketing can build trust and position your firm as one that’s associated with quality. Once you have made this shift, you will then want to do the following:

- **Define Your Business Goals** — The first step to defining your market and brand is to create clear business goals, a clear mission statement, a clear set of procedures, policies and strategies.
- **Define Your Brand** — Think of ways to differentiate your firm from other family law practices. Who are your preferred clients? What benefits can you offer them? What else could you do for your clients that would

CONTINUED ON PAGE 52



The right **EXPERT** can make the **DIFFERENCE.**

When marital disputes result in litigation involving financial or accounting matters, it’s important to have a qualified expert witness on your side who can help you navigate these complex issues. Aronson LLC’s forensic and valuation services specialists are experienced in the investigation and analysis of income and hidden assets, and the valuation of business ownership interests that may be critical to determining the disposition of the marital estate. We work with counsel at each stage of the litigation process to help ensure that you, your client, and the trier of fact can make informed decisions.

Our services include:

- Business Valuation
- Asset Tracing
- Forensic Investigation
- Income Analysis
- Trial Testimony
- Discovery Assistance
- Preparation of Trial Exhibits
- Deposition Support
- Alimony and Tax Calculations
- Reconstruction/Analysis of Banking Records



Call Stuart Rosenberg or Bill Foote today at 301.231.6200 to learn how we can help, or visit www.aronsonllc.com.

805 King Farm Boulevard | Suite 300 | Rockville, Maryland 20850 [t](#) [in](#) [f](#)

Jay Fishman, Managing Director of Financial Research Associates, specializes in the valuations of business enterprises and their intangible assets. He has taught courses on business valuation around the world, is editor of the *Business Valuation Review* and vice-chair of the Appraisal Practice Board of the Appraisal Foundation. www.finresearch.com

To read or listen to the full interview visit: www.familylawyermagazine.com/articles/jay-fishman.



James Hitchner on Business Valuation

James Hitchner, a repeat presenter at the Conference, founded Valuation Products and Services, a company devoted to business valuation education. He has over 33 years of valuation experience and is the co-author and editor of several publications, as well as the Editor in Chief of Financial

Valuation and Litigation Expert, a bi-monthly journal featuring views and tools from experts in the field. Jim will be offering attendees a free sample of the journal and some published articles, as well as a newsletter subscription discount. Jim will be moderating an open-forum session on business valuation between Jay Fishman, Chris Mercer and Nancy Fannon. He will also be presenting on mistakes and biases in valuation as well as on discounts for lack of marketability and S corps. His topics include:

- Business valuation mistakes and how to avoid them
- How to detect intentional and unintentional biases
- How to detect a rigged business valuation
- Discounts for lack of marketability and S corps
- Hot areas in business valuation

James Hitchner is Managing Director with Financial Valuation Advisors, a firm specializing in valuation, financial and litigation forensic services. He is also

the president of Financial Consulting Group, the nation's largest organization of business valuation and litigation service firms. Visit his website at www.finvaluation.com

To read or listen to the full interview visit: www.familylawyermagazine.com/articles/james-hitchner.



Christopher Mercer on the Five Big Valuation Issues in Divorce

Christopher Mercer, who is a fourth-time returning speaker at the Conference, says that the big advantages of attending the event is the opportunity of meeting with some of the best divorce attorneys and variety of experts, from valuation to forensic, which no other conference offers. Chris has been engaged in divorces around the country from California to New York to Florida, and places in between, when a substantial business is involved. Chris maintains that family lawyers with a greater understanding of valuation principles will have a real competitive advantage. His presentation will look at:

• The build-up discount rates and components of discount rates

• Valuation confusion in using control premiums and minority interest discounts

• Valuation adjustments to the income statement to normalize for excess owner compensation

• The guideline public company method and the guideline transactions method

• Fundamental adjustments of public multiples that apply to a private company

- The build-up discount rates and components of discount rates
- Valuation confusion in using control premiums and minority interest discounts
- Valuation adjustments to the income statement to normalize for excess owner compensation
- The guideline public company method and the guideline transactions method
- Fundamental adjustments of public multiples that apply to a private company

Christopher Mercer has prepared, overseen or contributed to more than 1000 valuations for purposes related to mergers and acquisitions, litigation and tax, among others. He is also a contributing editor to An Estate Planners Guide to Revenue Ruling. Chris is a frequent lecturer and author of 9 books. www.mercercapital.com

CONTINUED ON PAGE 46

J. Richard Claywell, CPA

Business Valuation Strategies ♦ Forensic Accounting ♦ Exit Planning Strategies

Making Sense of the Tangibles and Intangibles in our Lives

Qualified to testify as an expert witness in County, State and Federal Court, J. Richard Claywell's diverse experience will give you and your client a sturdy advantage:

- ♦ Certified Public Accountant Since 1983
- ♦ Preparing Valuation Reports
- ♦ Certified Valuation Analyst
- ♦ Accredited in Business valuations
- ♦ Accredited Senior Appraiser
- ♦ Certified in Fraud Deterrence
- ♦ Certified Forensic Financial Analyst
- ♦ Certified in Mergers & Acquisitions
- ♦ Certified Business Appraiser
- ♦ Accredited in Business Appraisal Review
- ♦ Expert in Exit Planning Strategies



For a free Initial Consultation, please contact:

J. Richard Claywell, CPA
(281) 488-7531

1560 W. Bay Area Blvd., Suite 105 Friendswood, TX 77546 ♦ www.biz-valuation.com



FRIENDS / CONTINUED FROM PAGE 10
 both parents via social media that the trial judge entered an injunction (upheld by the appellate court) barring both parties from making comments about the other on social networking sites.

A similar challenge was made in another 2013 contentious divorce case, this time in Alabama. In *Clare v. Clare*, the trial court entered an order dividing up the marital assets and awarding some rehabilitative alimony to the ex-wife, albeit considerably less than she had sought. The ex-wife moved for a new trial, arguing that the judge's social networking connection with the parties' adult daughter (who grew up in the trial venue but had since moved to England) had somehow tainted the judge's ruling and warranted her recusal. The trial judge denied the motion, pointing out that:

"This Facebook is a social networking site where the word "friend" is used in a way that doesn't have anything to do with the way before this Facebook.com ever existed — the way we used the word "friend." Just because a person is connected to me on here in this manner doesn't have anything to do with a personal relationship. I don't have a personal relationship with this "friend". We all live in a small town. I have heard both of you all's names. I heard the daughter's name before we came in here today."

The appellate court agreed, noting that a showing of something more than the "bare status of the parties' daughter as a friend of the judge" would be necessary before any recusal could be granted.

A phrase from social media's own contributions to our lexicon might be an appropriate way to characterize the views toward being Facebook "friends" with a judge — it's complicated. Judges should proceed with caution regarding social media, but they should still proceed. ■



John G. Browning is the founding partner of the Dallas, Texas office of Lewis Brisbois Bisgaard & Smith, where he handles civil litigation in state and federal courts. He is the author of The Lawyer's Guide to Social Networking, Understanding Social Media's Impact on the law. He is also a recurring legal commentator for the NBC and FOX news stations in Dallas. www.lbbslaw.com

Related Article

Social Media in Divorce Proceedings

By Judge Michele Lowrance and Pamela J. Hutul

Lawyers must modify and change the way they prepare for highly conflictual cases in these changing times. www.familylawyer magazine.com/articles/social-media-in-divorce-proceedings



STACY D. PHILLIPS, a Certified Family Law Specialist, is the founder and managing principal of Phillips Lerner, A Law Corporation. The firm represents business executives, entrepreneurs, homemakers, sports, entertainment and political figures as well as high-net worth individuals.



Phillips Lerner
 a law corporation

2029 Century Park East, Suite 1200
 Los Angeles, CA 90067
 310.277.7117 • www.phillipslerner.com

End the "he said-she said"

with the best online collaboration tools for high conflict parents.

Proven Results

Organize family information, schedules, expenses and more. Help parents collaborate for the best interest of the child. Safe, secure and easy to use. Create accountability.

Now Go Mobile!

Use the OurFamilyWizard app to keep your family organized on the go!



OurFamilyWizard.com



Family Law Software®

The nation's leading software for Family Law Attorneys.

- Guidelines
- Financial affidavits
- What If scenarios

Free Trial at:
www.FamilyLawSoftware.com

Call toll free: 877-477-5488



CONFERENCE/CONTINUED FROM PAGE 44

To read or listen to the full interview visit: www.familylawyer magazine.com/articles/christopher-mercer.



Sharon Nelson on Smartphone Spyware

Sharon Nelson, president of Sensei Enterprises, a digital forensics information technology and information security firm, talks about the developments of technologies being used when spouses or lovers spy on one another, and the benefits of up-to-date information from a competitive advantage for family lawyers. The most striking change in technology is related to smartphones, where texts have increased dramatically as evidence. Sharon says that the knowledge she'll share will help ensure family lawyers avoid looking for social media and smartphone evidence themselves and leave digital forensics to the professionals. Some of her topics include:

- The improved ability to retrieve deleted text messages
- The spyware that causes phones to call another or remotely turn on the microphone
- Clients implicated in social media evidence, including Facebook "friending"
- How social media evidence is admissible in court
- The ethical implications when attorneys are involved in gathering and using evidence

Sharon Nelson is president of the Virginia State Bar and serves on the ABA Cyber Security Legal Taskforce. She is the author of Electronic Evidence and Discovery Handbook Forms Checklist and Guidelines, Lockdown: Information Security for Lawyers and Law Firms, and the annually published Solo and Small Firm Legal Technology Guides. www.senseient.com

To read or listen to the full interview visit: www.familylawyer magazine.com/articles/sharon-nelson. ■

Financial
Divorce
Plan, LLC

Intelligent Divorce Made Possible

Pennsylvania | (267) 202-5158

Like most family lawyers, we believe divorcing people can make intelligent choices if they were given the correct information to help them understand their options. At Financial Divorce Plan, financial literacy is our passion.

Supporting Attorneys to Argue Your Case Successfully

With our financial expertise and litigation support, you can be freed up to better focus on advocating for your clients:

- You will have clear and precise financial documents without having to deal with the often complex and tedious calculations
- We provide budget preparation and data collection services, tax and financial advice to help ensure your clients have realistic expectations regarding their divorce settlement.

Financial Divorce Plan, LLC
Loretta Hutchinson, CDFI™, NCC

loretta@financialdivorceplan.com
www.FinancialDivorcePlan.com



Divorce Marketing Group

A One-Stop Marketing Agency for Family Lawyers

OUR PRODUCTS

Family Lawyer Magazine

Published twice a year and sent to 30,000+ family lawyers, Family Lawyer Magazine can help enhance your reputation as an expert and generate referrals for your practice.

Divorce Magazine

Published since 1996, it is the only magazine that targets people who need your expertise. Digital editions are available for every state and province, and the print editions are available for CA, IL, NY, NJ, and ON.

DivorceMagazine.com

With over 4,000 articles and FAQs, this is one of the most comprehensive divorce related websites and a great place to promote your practice. Rates start at \$195 a year for a listing in our Professional Directory.

Divorce eNewsletter

Our monthly eNewsletter for divorcing people will keep you top-of-mind with your clients and professional referral sources on a regular basis and make your website a better resource for visitors to revisit and recommend to others.

www.BlogsOnDivorce.com & www.MarriageAndSeparation.com

Establish yourself as an authority on the subject of divorce and get extra exposure as an expert guest blogger on our blog site and on our brand new social network for married and separated individuals.

10 Unique Divorce Guides

Each Divorce Guide contains 26-33 pages of professionally written and designed articles. They can all be customized with your firm's branding and can be added to your website or given out to your clients and prospective clients.



OUR SERVICES

Our Clients Rave About Us

We are the only marketing agency that specializes in promoting family lawyers and divorce professionals. As a one-stop marketing firm, we offer a wide range of highly essential products and services designed for the successful growth of a family law practice.

Some of our clients have been with us for 17 years because they find us to be responsive, creative, and affordable marketing experts. We are big enough to offer the complete range of marketing options you need and small enough to always be there for you.

Call us if you are tired of poor service or high fees from your current providers.

Website Design & Content

We know what divorcing people need and we can provide you with relevant content you cannot get anywhere else.

Mobile Website Design

Make your site smartphone friendly, or you could miss out on new business.

Website Traffic Generation

We'll drive visitors to your website through Search Engine Optimization and Pay Per Click advertising campaign.

Podcast and Video Promotion

Be found on Google.com, Youtube.com and iTunes with videos and podcasts.

Branding, Logo & Firm Brochure

We'll help you brand your firm, design your logo, write and design your firm brochure to match your website design.

866.803.6667 x 124

DanC@DivorceMarketingGroup.com www.DivorceMarketingGroup.com



PENSION ANALYSIS CONSULTANTS, INC.

QDROs for Divorce & Post-Divorce



Over 25 years of Credentialed Expertise in Pensions & QDROs in Divorce

When your client's divorce case involves dividing pensions from a private or public employer including Teachers, Federal or Military, we offer expertly performed pension valuations and QDRO drafting. We guarantee plan approval.

- ✓ Affordable Low Fees
- ✓ 2-Week QDRO Draft Turnaround
- ✓ QDRO Plan Pre-Approval Service
- ✓ Marital Asset Offsetting for E.D. Schemes
- ✓ Settlement Language Guidance
- ✓ Expert Testimony Service

Call for fees & information specific to client's needs:

(800) 288-3675

QDRO e-Request: myPAC.pensionanalysis.com



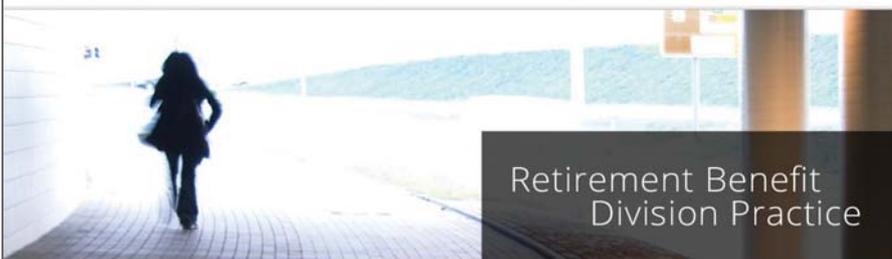
PAC is one of the nation's leading pension valuation and QDRO providers and respected authors/co-authors of benchmark treatises "Value of Pensions in Divorce, Valuing Specific Assets in Divorce and Valuation Strategies in Divorce" (WoltersKluwer:NY).

pac1@pensionanalysis.com • www.pensionanalysis.com

QDRO COUNSEL INC.

A PROFESSIONAL LAW CORPORATION

Retirement Benefit Division Practice



Retirement Benefit
Division Practice

We are focused exclusively on the division of retirement benefits and service clients nationwide. Let us know how we can help you.

- » **QDROs:** Qualified Domestic Relations Orders for private retirement plans
- » **DROs:** Domestic Relations Orders for nonqualified plans
- » **DROs:** Domestic Relations Orders for public retirement plans
- » **ERISA:** Employee Retirement Income Security Act
- » **IRAs:** IRC 408 Division Orders for individual retirement accounts



Louise Nixon, Esq. President | qdrocounsel.com | contact@qdrocounsel.com

Tel: (626) 440-7376 | (888) 760-7376 (QDRO) | Fax: (888) 760-7373
2596 Mission Street, Suite 320, San Marino, California 91108

of several executives. Upon being caught doing so, the CEO was forced to resign and investigators were sentenced to community service. One investigator was sentenced to three months by the federal government.

- **People v. Gibbons** (1989): A defendant set up a video camera in his closet to record himself in "the most intimate and private form of communication between two people" with an unsuspecting woman. This offense of pretexting, when confidential communication is divulged, as supported by the privacy act, is a criminal charge prosecuted as a felony or misdemeanor under California's Penal Code.
- **Noble v. Sears, Roebuck** (1973): A private investigator, retained by the attorneys, had an employee find the address of a witness through pretexting. The attorneys and private investigator were held liable for invasion of privacy by reason of unreasonably intrusive investigation, as covered under California's "Peeping Tom Statute."

The moral of this story is to exercise caution when managing and processing cases. The license to practice law is obtained with difficulty and is easily lost. Care must be given to play by the rules and not get caught up with a client that doesn't. ■

This article has been condensed. For the full version visit: www.familylawyer.com/articles/perils-pretexting.



Marshall Waller is a Certified Family Law Specialist with Feinberg & Waller in Beverly Hills and Calabasas, CA. He has gained a reputation as a dynamic and entertaining speaker and has spoken nationally and locally to trade, civic, and private organizations.
www.feinbergwaller.com

3. **The Expenses Section:** This provides the attorney with an overview of the Fixed, Variable and Client Reimbursed expenses, followed by the Payroll total and the Payroll taxes.
4. **The Accounts Receivable Section:** The top section allows the professional to see what was billed for the month against what was collected and what was collected in the 30, 60 and 90 days outstanding categories.
5. **The Marketing Stats Section:** This area is dedicated to a quick summary of client development activities that occurred during the month, a list of new referrals that were sent and a list of the types of cases being referred.
6. **The New Business Section:** This area captures the number of new client inquiry calls, the number of calls that are scheduled for an initial consultation, the number of engagement letters which are given to prospective clients, the number of matters closed and how many matters are currently open.
7. **The Financial Operations Section:** This last section is dedicated to showing what is in the operating account and what is in the trust account.

Most attorneys are not trained to evaluate cash flow and do not have an adequate system to display the trends in their finances. This easy-to-read summary allows them to view the most important information all in one spot. It covers all of the most important areas that provide “fuel” for the firm. Attorneys should review this form once a month if they are in a relatively stable financial situation and cash flow is good. If they are in a financial crisis and have a large collections problem, they might review this form once a week.

The bookkeeper or office manager should manually fill in the information on this sheet for the attorney to read and then they should go over it with the attorney in a regularly scheduled meeting. Detailed reports from the firm’s

bookkeeping software should be used to gather the information and be included behind the summary sheet.

By using this form on a monthly basis, even attorneys who aren’t good at math can track, monitor and hopefully gain control of their finances based on the trends revealed by the Dashboard. ■

This article has been condensed. For the full version visit: www.familylawyer magazine.com/articles/dashboard.



Mark Powers, the President of Atticus, Inc. and Shawn McNalis, co-authored How Good Attorneys Become Great Rainmakers, Time Management for Attorneys, Hire Slow Fire Fast and are featured writers for Lawyers Weekly and a number of other publications. www.atticusonline.com



Don’t Leave Money on the Table, Recover Credit Harm by Spouse

Monetization of recoverable harm to credit reports and credit scores due to spouse’s breach of fiduciary, violation of TRC, and settlement agreement violation. Identification/valuation of economic harm in an expert report for more inclusive recovery demand. Testimony option. Court accepted since 1995.

Services: Consulting/Testimony, Preliminary Credit Damage Analysis, Credit Damage Measurement Report, MCLE authorship, Credit Coaching due to diminished capacity.

GEORG FINDER
INDEPENDENT CREDIT DAMAGE EVALUATOR & CONSULTANT
www.CreditDamageExpert.com

Call now and discuss your case 24 hours a day / 7 days a week!
Call Today For A FREE Consultation
(855) 879-6253

A practice dedicated to the highest standards of ethics and effective client representation.

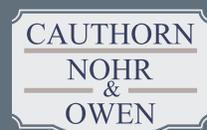


CAUTHORN NOHR & OWEN offers a wide variety of Family Law services, from simple uncontested divorces to complex division of assets or hostile child custody battles. We provide:

EXPERIENCE: Serving professionally in Georgia since 1972.

DIVERSITY: Practicing in a wide range of legal areas, from litigation and mediation to business formation and estate planning. Our litigation focus is in the areas of contracts, personal injury, family, and other civil disputes. Our transactional focus is on estate planning and corporate formation.

RESULTS: We have obtained significant compensation for injury victims, and resolved countless divorces and business disputes to our clients’ satisfaction.



212 Church Street, Marietta, Georgia 30060
www.cauthornnohr.com • tec@cauthornnohr.com
Phone: 770-528-0150 • Fax: 770-528-0160



**Exclusivity in practice
Integrity in performance
Results-oriented divorce attorneys**

**FW FEINBERG
& WALLER**
A PROFESSIONAL CORPORATION

1-800-655-4766
www.FeinbergWaller.com

23501 Park Sorrento Suite 103
Calabasas, CA 91302

433 North Camden Drive Suite 600
Beverly Hills, CA 90210

connection, your client can create a new email account. No identifying features should be used and a random, complex, alphanumeric password should be memorized. The old email should not be used as an alternative or password reset information may be sent to the compromised account.

Your client will have now succeeded in setting up an extremely secure computing and communications environment; however, one deviation can result in re-infection. Remind your client to follow these rules:

- Do not connect to any network that the suspect has physical or virtual access to.
- Disable wireless adaptors whenever in proximity to any suspect locations.
- Disable Bluetooth if not used. Otherwise disable “discovery” after connecting your devices so the device cannot be seen.
- Only use new removable drives as an infected USB can re-compromise your devices.
- Only access the new email from the new devices.
- Never connect the new devices to the old for any reason. ■



Nicholas G. Himonidis is an attorney, licensed private investigator, certified fraud examiner and certified computer forensic specialist. He is Vice President of Investigations at T&M Protection Resources, LLC in New York City. www.tmprotection.com

Related Article

Private Investigators Share Some Tricks of the Trade

Four leading private investigators share their experiences, insights and tips on their practices and strategies. www.familylawyer magazine.com/articles/private-investigators-tricks-trade



Expand Your Trial Capabilities

Students will learn to:

- Develop advanced direct and cross examination techniques
- Examine mental health professionals and business valuation experts
- Dissect the valuation of a closely held business interest
- Use expert witnesses and trial consultants to develop their case
- Understand psychological testing and its role in a custody case



Students will also:

- Acquire CLE credit while obtaining valuable legal experience
- Network with top professionals from across the country
- Argue in front of trial court and Supreme Court judges
- Learn from seasoned, successful family law trial lawyers

Attendance is limited, sign up now:
8-Day Regular Program: May 17-24, 2014
4-Day Advanced Program: May 19-22, 2014

1303 San Jacinto Street, Houston, TX 77002
www.FamilyLawTrialInstitute.com
(713) 646-1757 or (800) 646-1253

to give. There is the one that he actually delivers when he improves on the original version while actually giving the speech. And “if you want to hear a truly great speech,” he said, “drive home with me afterward and hear the speech that I should have given.”

Get Feedback from Other Attorneys

Many times, our egos prevent us from asking for assistance. However, especially if you are a young lawyer, there is a great deal of experience available from lawyers who have been doing this for a long time. And many of these experienced lawyers would be pleased — even flattered — to share feedback.

Get Feedback from Former Clients

Asking a former client for feedback may be helpful. Yes, there is a danger in this as you may hear things you don’t want to hear. And there is a natural tendency to get defensive. But if you can park your ego at the door for a while, you may get a lot out of this exercise. It is, after all, the client whom you are serving.

In my firm, we do this in two different ways. First, we hold a post-judgment meeting after every case. And approximately once a year, we mail an evaluation form that can be sent in anonymously.

Be Creative

Don’t believe that just because “that’s the way it’s always been done” means that “that’s the only way to do it.” Experiment. Learn. Then, please, share. Life is a learning process. ■

This excerpt has been condensed and reprinted from “*Settlement Negotiation Techniques in Family Law*” © 2013 American Bar Association. With permission from the author.

You can find the full excerpt on www.familylawyermagazine.com/articles/becoming-a-better-negotiator.



Gregg Herman is a Family Law attorney with Loeb & Herman, S.C., Milwaukee, Wisconsin. He is certified as a specialist in family law trial advocacy by the National Board of

Trial Advocacy and is a past chair of the Family Law Section of the American Bar Association. www.loebherman.com

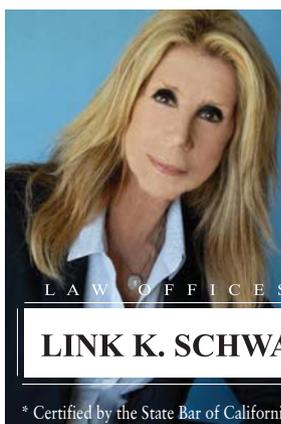
Related Article

Pursuing Excellence in Everything

By David Lee

How to grow a successful family law practice and be proud of your own work.

www.familylawyermagazine.com/articles/pursuing-excellence-in-everything



Link Schwartz, a Certified Family Law Specialist*, is acknowledged to be among the top rated Family Law Specialists in Southern California. Her areas of practice include divorce, custody litigation, including move-away cases, child and spousal support, paternity, prenuptial, postnuptial and cohabitation agreements and grandparent’s rights.

CALL TODAY! Initial consultations are FREE.

LAW OFFICES OF

LINK K. SCHWARTZ

(310) 553-5465 • linkorama@earthlink.net

1801 Century Park East, Suite #1100
Los Angeles, CA 90067-2724

* Certified by the State Bar of California Board of Legal Specialization

Support For Family Law Attorneys

Helping your clients make sound financial decisions

Balasa Dinverno Foltz Provides Financial Expertise to Lawyers

- Provide case support and resources for complex tax and financial issues
- Offer financial consulting during pre-trial, cost-benefit analysis, and settlement financial planning
- Assist in post-divorce follow-up

25 Years of Excellence From a Team of Trusted Professionals

- Includes CPAs, CFAs, CFPs®, MBAs and CDFAs™
- Independent fiduciary managing \$2.5 billion for over 800 clients
- 98% client retention rate
- Specialized services for women and businesses owners



“We design tailored strategies to help individuals achieve their unique goals during and after divorce”

~ Heather Locus, CPA, CFP®
Matt Mikula, CFP®, CDFATM



Balasa Dinverno Foltz LLC

Private Wealth Management

630-875-4900

Itasca • Chicago
www.bdfllc.com

Cathleen Belmonte Newman, CDFA, MBA

A niche financial firm that provides analytical and litigation support services. Specializing in lifestyle analysis, financial affidavits, expert testimony, forensic accounting, projection of future expenses and balance sheet preparation.



CityPark Corporate Center, 250 Parkway Dr., Suite 150
 Lincolnshire, Illinois 60069
www.F4Financial.com
(847) 634-2219

Divorce Financial Solutions, Inc.
Moving Forward
 Financial Analysis • Forensics • Pension Valuation

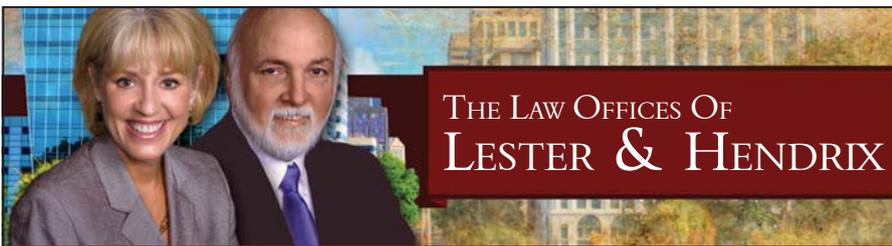
Veralynn Morris, CDFA™ will:

- Deliver verifiable and undisputable financial data
- Clearly identify the financial issues clients face
- Provide the best case financial scenarios and their solutions that will impact clients long after settlement

**Providing expertise
 on the financial
 issues of divorce.**

Divorce Financial Solutions, Inc.
 135 W. Patrick Street
 Frederick, Maryland 21701

cell: 240-367-7660 office: 301-829-8603
 www.DivorceFinancialSolutions.org
 veralynnm@divorcefinancialsolutions.org



**THE LAW OFFICES OF
 LESTER & HENDRIX**

Over 60 Years of Experience and Reputation

For over a decade family lawyers in South Carolina and across the country have turned to us for answers and advice on how to win their cases.

Key Firm Highlights:

- Respected, knowledgeable lawyers working exclusively in the area of family law and established in the South Carolina Family Court System.
- Committed to furthering family law in South Carolina.
- Staying active in the community, participating in state bar associations and family law committees.
- Partners Ken H. Lester and Catherine S. Hendrix are well respected voices in family law with over 60 years of combined family law experience.

www.lesterandhendrix.com

Columbia Office
 1901 Gadsden St., Suite A
 Columbia, SC 29201
(803)252-4700

Beaufort Office
 One Professional Dr.
 Beaufort, SC 29935
(843)524-2700

Myrtle Beach Office
 1303 Azalea Court
 Myrtle Beach, SC 29577
(843)839-2989

MERCEDES/ CONTINUED FROM PAGE 43



ensure they have the best experience possible? What are your main marketing messages?

- **Craft Your Marketing Plan** — You could do this with a website; social media; a blog, advertising; getting your expert opinions and articles published through podcasts, videos and publications; keeping top of mind with your referral sources, and garnering testimonials and industry designations.
- **Craft Your Reputation, Online and Offline** — It is probably easier to manage your reputation offline than it is online. You are your search results. Make sure you Google your name regularly to see what others see, and take action if you cannot be found easily or if your reputation is tarnished.
- **Find Powerful Partners/Affiliates to Create/Enhance Your Brand** — Think of who can enhance your reputation as an authority in family law, or hire a marketing agency to help you do that. ■



Dan Couvrette is a marketing expert to family lawyers and divorce professionals, and the CEO of Divorce Marketing Group. He is the co-host of a monthly marketing teleseminar for family lawyers and the founder and publisher of Family Lawyer Magazine and Divorce Magazine. www.divorcemarketinggroup.com

Related Article

Have You Googled Your Name Lately

By Martha Chan
 How much control do you have over how others see you online?
www.familylawyer magazine.com/articles/have-you-googled-your-name-lately

We build better websites. Period.

Attract clients and search engines with a better website

Not all websites are equal in their ability to attract the right kind of clients and referrals. Nor are they all search engine friendly.

We only build websites for family lawyers and divorce professionals

We create effective and resourceful websites that enhance your credibility and image. To ensure visitors will return to your site, we will enrich it with our top-notch divorce articles, nine Divorce Guides and a monthly divorce eNewsletter.

Fixed fee pricing — with no surprises

If you are paying hundreds of dollars a month for your website, it's time to give us a call. We've saved our clients thousands of dollars a year, every year.

Read how our clients rave about us

"I recently switched to Divorce Marketing Group to host and revise my website from a well-known legal website designer and host, and the difference is dazzling. Not only is it costing me much less for my website than before, in a very short time the cost of paying for the new and better design and set up will end and I will be left with a great website and a lower overhead. Great folks at Divorce Marketing Group. Great job."

Sandra Rosenbloom, Collaborative Attorney and Mediator, RosenbloomLaw.com

"Thank you for all of your help with regard to the design of our logo and website. Almost every day a potential new client, or opposing counsel comment on the professional look and the clear message delivered by our website, and our new logo. I like how you provide us with all the content of our firm's divorce newsletter... Working with you and your staff has been a dream..."

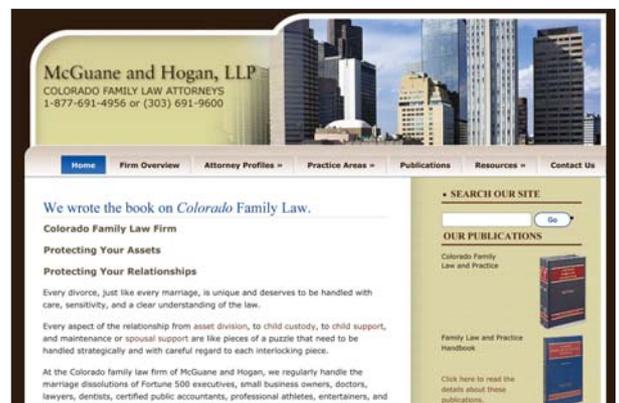
Steven Mindel, Managing Partner, FMBK, FMBKLaw.com



Family Law Firm in California



Family Law Firm in New Jersey



Family Law Firm in Colorado



Focus on your practice
Trust the marketing with us

866.803.6667 x 124

DanC@DivorceMarketingGroup.com www.DivorceMarketingGroup.com



The Future of Law: Focus on Mobility

By Chad E. Burton, Lawyer

Think about ways to become more mobile in your law practice and how to improve the delivery of legal services to clients.

The future of law. It sounds so fancy, huh? Weren't we supposed to be living in a society run by robots at this point (ala the Jetsons)? We're not there yet, obviously. And, your practice is not run only by technology.

That said, it is coming. Technology is playing a greater role week to week in how clients are served. Emerging business models are being announced on a regular basis. It is truly an exciting time to rethink how legal services are delivered.

Does this mean that every lawyer in America is going to give up their office, their paper and ditch past practices for virtual (or other new-age) models? Of course not.

Regardless of where a particular practice stands on the scale of use of technology, that use cannot be ignored. ABA Model Rule 1.1, Comment 8, provides that competency includes a lawyer's understanding of the "risks and benefits of technology" as applied to the delivery of legal services. Competency

includes technology? You bet. In other words, lawyers can no longer stick their heads in the sand and wear their fear of technology as a badge of honor. Lawyers have to look at technology in a way that benefits their clients.

We can save discussions on the wholesale disruption of the traditional firm model and focus on something that can be done today: maximizing mobility. Anyone reading this article should at the very least be using a smartphone. Yes, there are flip phones in circulation but they are basically dead. Having such a device empowers lawyers to practice on the go. Add a tablet to the mix with the right structure internally in a firm, and lawyers can practice from anywhere.

So how do we get there? To increase mobility there are three areas to focus upon: (1) mindset; (2) the actual technology; and (3) internal firm structure.

CONTINUED ON PAGE 56

We Make Your Website Smartphone and Mobile Friendly

How Does Your Website Look on a Smartphone?

Is it legible? Can they call, email, text or locate your office with just one touch? If not, contact us and we will make your website smartphone friendly. Consider these facts:

- Over 180 million Americans use smartphones regularly
- More people will use their mobile devices than PCs to get online



A regular website as seen on a smartphone



The same website we have made mobile friendly

How does Your Website Look on Mobile Devices?

If your website was built a few years ago, it is not likely that it will be totally legible on all the mobile devices available today. Let us help you take advantage of the latest technology and make your website look good on all mobile tablets and smartphones.



Focus on your practice
Trust the marketing with us

Contact Us for Your Free Initial Marketing Consultation • 866.803.6667 x 124
DanC@DivorceMarketingGroup.com • www.DivorceMarketingGroup.com

Getting Your Head in the Game

Not to sound too hippy-like, but adopting new practices regarding mobility starts with how lawyers think about their practice. It is easy to get entrenched in the "way things have always been done" mentality. It's easier, right? Changing behavior takes work and you already have enough work from clients.

If mobility is desired, then change must occur. It is not just about picking up a smartphone and leaving the office. As discussed below, some structural change is needed to maximize mobility. So once you get your head in the right place, the remaining factors are easier to swallow.

Replacing Old Technology

When was the last time you thought about your firm's technological structure? Have you adopted a paperless environment? Or, like many firms, are your files stacked on tables or shoved away in file cabinets only to see the light of day if you are physically standing in your office and can find that folder or piece of paper? This makes a big difference for mobility. You need to access your client data from anywhere while on the go.

Going paperless is a start. But, even with a legacy server on site, that won't get you home (literally or figuratively) to access your data. That is where cloud or web-based technology comes into play. Platforms exist that allow lawyers to access their documents and other firm data from anywhere with an Internet connection. For example, Clio is a cloud-based law practice management platform that includes time and billing, calendar, contacts, reports, documents and communication functionality, among other features. All of this can be accessed from a tablet or smartphone. Box is another example of content management. This cloud-based solution allows lawyers to store documents and access them from mobile devices. (Both of these platforms have competitors that can be vetted online and elsewhere, it just so happens the author uses these.)

This is just the tip of the iceberg for technology ideas. More and more developers are finding innovative ways for lawyers and professionals to operate on the go.

Getting the Structure in Place

Adopting the technology is a critical piece, but under traditional firm models, that means a change in behavior for the team. If you are a true solo, that makes it much easier. However, if you have other team members, including lawyers or administrative staff, they need to buy into this mobility and

technological change concept. Of course, not only will it benefit them, but if they do not follow policies and procedures developed to enable mobility, then the proponent of mobility can be hamstrung if the information is not available through the chosen platforms.

This is where outsourcing administrative work to virtual assistants and receptionists comes into play. If administrative functionality is mobile, that enables lawyers to be mobile as well. Virtual assistant relationships can be set up to fit a particular practice's needs. This comes back to that change in mindset concept discussed above. Previously, having staff meant having people onsite. That is not necessarily true anymore.

Moving Forward

It is not expected that every lawyer will abandon how they have done business for years or decades. Instead, starting to think about ways to become more mobile in the practice of law will have a positive effect on delivering legal services to clients. Being chained to an office is not necessary anymore. So go, be free from the surrounding walls of an office. You work too much already, you might as well do it from a space that you actually enjoy. ■



Chad E. Burton is the Managing Partner of Burton Law (burton-law.com), a virtual law firm model based in Ohio, North Carolina and Washington, D.C. He is also the CEO of Curo Legal (curolegal.com), a new venture focused on helping lawyers restructure their law practice to position for the future.

Related Articles

Best Apps for Family Lawyers

Mark up documents, calculate child support, create presentations and more with these apps to streamline your practice.

www.familylawyermagazine.com/articles/best-apps-for-family-lawyers

Improving Your Practice with Technology

By John Harding

Technology allows lawyers to work better with less effort, and deliver their product in less time with great impact.

www.familylawyermagazine.com/articles/improving-your-practice-with-technology

A Kerala Vacation: The Perfect Therapeutic Destination

A Kerala vacation in India could be the perfect therapeutic destination, filled with fascinating sights, a diversity of cultural experiences and opportunities for rest and relaxation.

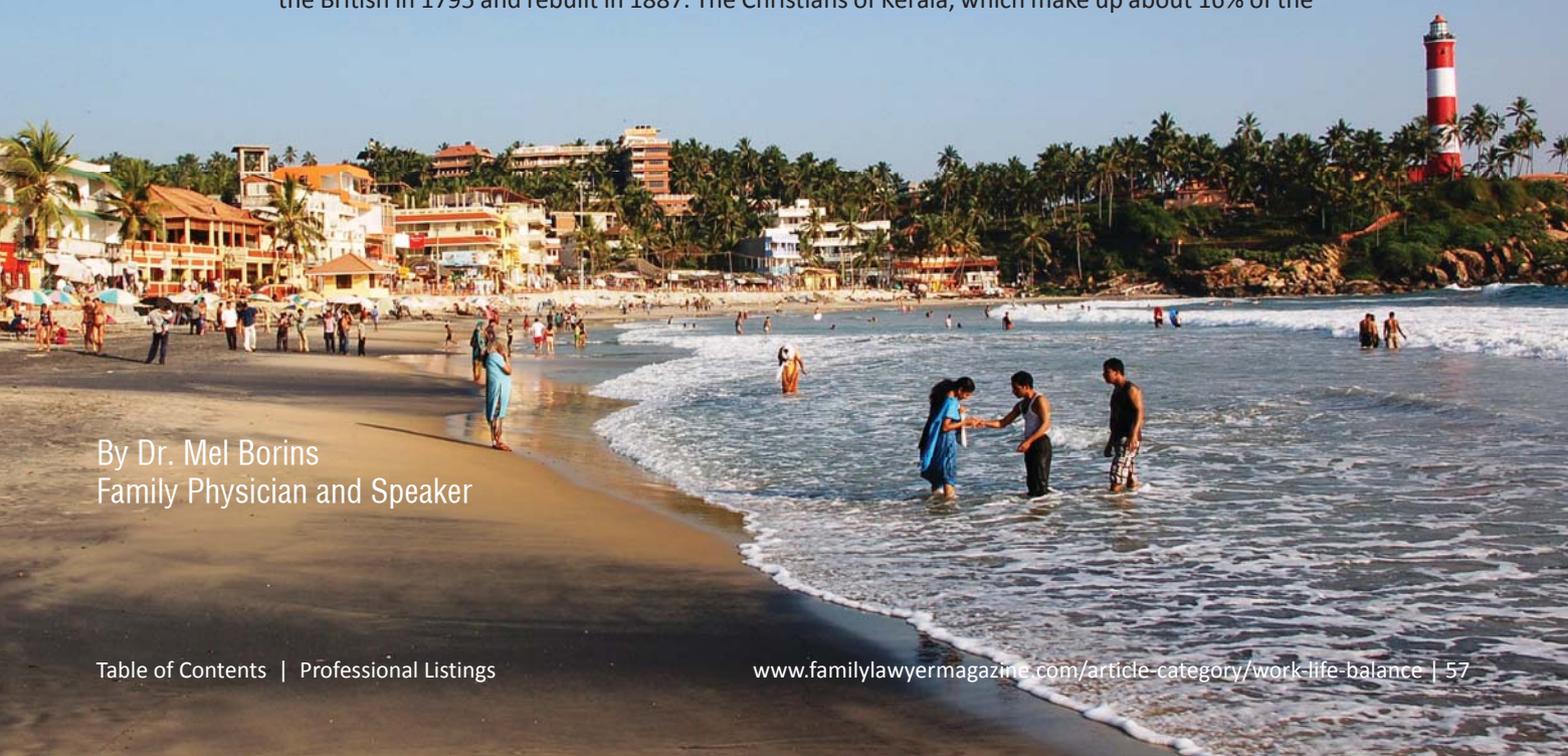
Taking a vacation is a great way to break the pattern of daily stress and help you reevaluate your life with a change of scenery, environment and experiences. Kerala, with its friendly people, beautiful beaches and tropical greenery, holds some of the oldest religious architecture, and is famous for the interlocking rivers, lakes and canals called the backwaters. The great climate and cheap prices add to the therapeutic and educational benefits.

The City of Cochin

Our first two nights we stayed at the elegant Ramada Resort in Cochin. The resort has a huge meandering swimming pool and luxurious rooms, with all the comforts of home. Our spacious room overlooked the Arabian Sea, a peaceful haven to retreat to after a busy day of touring.

We boarded a large boat, the St. Sebastian, at the Fort Cochin Ferry dock for our private tour of the harbor. We saw the city landscape, the famous Chinese fishing nets, ship building and repair facilities, and the gigantic loading docks with containers from all over the world. The best part was seeing the dolphins swimming and frolicking beside our boat.

We visited the oldest European church in India, the impressive St. Francis Church, originally built in 1503. Vasco da Gama, who discovered the sea route from Europe to India, was initially buried in this church. Nearby, the imposing Santa Cruz Basilica was built in 1505, destroyed by the British in 1795 and rebuilt in 1887. The Christians of Kerala, which make up about 16% of the



By Dr. Mel Borins
Family Physician and Speaker

Taking a vacation is a great way to break the pattern of daily stress and help you reevaluate your life.

population, belong to one of the oldest Christian communities in the world. Apparently, St. Thomas converted his first followers in Kerala in 52 AD.

After a delicious seafood lunch at the renowned Malabar House Restaurant, we visited Jew Town to see the oldest synagogue in the Commonwealth. The first Jewish traders came to Kerala in 992 BC during the time of King Solomon. After the destruction of the second temple in Jerusalem in 70 AD, some Jews fled and settled in India. Other Jews immigrated from Persia and Babylon in 490 AD, and after their expulsion from Spain in 1492. The Maharajahs of Cochin welcomed the Jews, and the Pardesi Synagogue was built in 1568. Kerala has always been a place of tolerance and acceptance.

We walked down the narrow streets of the old city of Cochin to Jew Street, and took off our shoes at the entrance of the Synagogue, a custom when visiting homes and places of worship. The synagogue floor was made of individually painted tiles from China. Large crystal chandeliers hung from the ceiling and a silk curtain hid the Ark and holy bibles. An informative pictorial description of the Kerala Jewish history was in one of the outer rooms.

Perhaps the most impressive quality of Kerala is its openness to external influences. India is all about acceptance and surrender. Arab, Roman, Chinese, Islamist, Christian, Marxist and British influences have all left their mark on Kerala. Diversity is part of everyday life.

The Backwaters

We drove 65 km south of Cochin to Alleppey, an area of many inland

waterways called the "Backwaters," famous for its floating houseboats. After checking into the Punnamada Spa Resort, we boarded our luxury houseboat docked directly outside our waterfront room. We traveled all day on a converted rice barge, used in the early days for the transportation of goods from the isolated interior villages to the towns. These houseboats, about 67 feet long and 13 feet wide, have fully furnished single and double bedrooms with ensuite washrooms, sun decks, private balconies and full kitchens.

A cruise on a houseboat is a fabulous way to explore the picturesque beauty of the backwaters and witness the Keralites simple way of life on the river and canals. Many tourists sleep on the elegant houseboats, with all their meals prepared from local provisions plucked, caught or bought in the backwaters.

We awoke to songbirds and watched an amazing sunrise through the coconut palms. Then we drove to the Abad Whispering Palms resort, located at Kumarakom, a tiny settlement on lovely Vembanad Lake, one of the largest in India. We took another riverboat cruise through the Mangrove forests, emerald green paddy fields and coconut groves interspersed with enchanting waterways and canals adorned with white lilies and a plethora of birds.

The most impressive thing about India is the unexpected. While driving to the beaches of Kovalam, we stopped due to a religious Hindu procession. Many slender young men, entranced, with ten-foot-long steel rods piercing through their cheeks, walked towards the temple. Teenage boys, also entranced, danced, eyes closed, to the rhythm of temple drums. Men with

huge, colorful, four-foot-tall headdresses precariously balanced on their heads, followed, with a procession of flutes.

India's 1.2 billion inhabitants face many challenges. A people's greatness is measured by how they cope with adversity. Despite a wealthy minority and growing middle class, most Indians live without sanitation and in poor conditions. We were inspired by the tenacity, good will and generosity of the Indian people, proof that joy and inner peace is not about wealth and possessions. ■

Dr. Borins will be leading a cultural and educational tour to India February 2014. If you would like to join him go to www.doctorsontour.ca/cme-programs-india-south-upcoming.php.



Mel Borins is a family physician in a private practice and a staff member at St. Joseph's Health Centre in Toronto, Canada. He helps train physicians in complementary and alternative medicine, counselling and psychotherapy, stress management and communications. He is a leading expert in health and wellness. www.melborinscreative.com

Related Articles

Go Away Just for the Health of It

By Dr. Mel Borins

When stress and strain start to affect your productivity, consider going away on vacation to allow your body and mind to heal.

www.familylawyermagazine.com/articles/go-away-just-for-the-health-of-it

Why Visit Costa Rica

By Michael Kaye

Travelers choose Costa Rica not only for what they will see, but how they will feel.

www.familylawyermagazine.com/articles/costa-rica

Helping Attorneys Manage the Financial Details of Complex Cases

At Roderick C. Moe, CPA, PA Certified Public Accountants™ Rod and Heather Moe have over 47 years of combined experience in tax and accounting for individuals and businesses.

Why divorce lawyers work with Roderick Moe CPA, PA?

Leading divorce lawyers use our services because we help them bring their cases to a successful conclusion with significantly less stress. We patiently work with you and your clients to help them get their fair share by:

- Focusing on long-term financial goals
- Detailing lifestyle needs, keeping emotions separate from finances and creating a financial plan for the future



Roderick C. Moe
CPA®, CVA, Cr. FA, ABV



Heather Moe
CPA®

For more information, or to book an appointment, please contact:



Roderick C. Moe CPA, PA
certified public accountant

(561) 649-5109

Rod@RodMoeCPA.com • www.RodMoeCPA.com

3199 Lake Worth Road, Suite B-3 Lake Worth, Florida 33461



Professional and Services Listings



Find Experts and service from across North America who can help you with your cases and your practice.

Scan the code to view more listings online.

U.S.A. – NATIONAL Continuing Legal Education



National Conference on Divorce Ap. 24-25, 2014

www.familylawyermagazine.com/articles/divorce-conference
Kiera Speed, Associate Project manager, AICPA
service@aicpa.org
(888) 777-7077

Experienced divorce lawyers and financial professionals must attend the National Divorce Conference at the Bellagio, Las Vegas. Gain new perspectives on trending legal/financial issues in divorce. Network with the top professionals.

Houston Family Law Trial Institute at South Texas College of Law

cle@stcl.edu
www.familylawtrialinstitute.com
(800) 646-1253
1303 San Jacinto Street, Houston, TX 77002

Disability Insurance

Family ValueGuard™

Family ValueGuard

Ken Bloch, President
ken@plusgroupnc.com
(866) 696-1791
5950 Fairview Road, Suite 225
Charlotte, NC 28210

Family ValueGuard is an insurance plan that helps your clients protect their alimony and child support payments against the adverse effects of unexpected disabilities.

Family Law Coach



Atticus

Mark Powers, President
mark@atticusonline.com
www.atticusonline.com
(888) 644-0022

For over 20 years Atticus has been working with family law attorneys to increase incomes, decrease stress, take better care of clients, and get them home on time.

Financial Professionals



Aronson LLC

Stuart Rosenberg, Partner of Forensic Valuation Services, CPA, CVA
srosenberg@aronsonllc.com
www.aronsonllc.com
(301) 231-6264
805 King Farm Boulevard, Suite 300
Rockville, MD 20850

With extensive knowledge in the areas of accounting, tax, and valuation, Aronson LLC helps attorneys and their clients navigate the financial and economic issues that arise in disputes.



The Institute for Divorce Financial Analysts

Brad Crump CDFATM
info@institutedfa.com
www.institutedfa.com
(800) 875-1760
22242 Sedwick Dr., Suite 102, Durham, NC 27713
Founded in 1993, IDFA is the premier national organization dedicated to the education and certification of professionals in the field of pre-divorce financial analysis.



FRIEDMAN LLP
ACCOUNTANTS AND ADVISORS

Friedman LLP

Barry Sziklay, CPA, ABV, CFF, PFS
bsziklay@friedmanllp.com
www.friedmanllp.com
(973) 929-3650
100 Eagle Rock Avenue, Suite 200
East Hanover, NJ 07936
Friedman LLP, an accounting, tax and consulting firm, offers forensic accounting, litigation support and valuation services to attorneys, businesses and individuals.



Shannon Pratt Valuations, Inc.

Dr. Shannon Pratt
shannon@shannonpratt.com
www.shannonpratt.com
(503) 716-8532
9725 SW Beaverton Hillsdale Hwy, Suite 360
Beaverton, OR 97005
Recognized profession leader Shannon Pratt Valuations supports their clients with substantial valuation experience, providing the highest quality, independent business valuation services available.

Legal Billing/Payment Services



LawPay

info@lawpay.com
www.lawpay.com
(866) 376-0950
6200 Bridge Point Parkway Building 4
Suite 250, Austin, TX 78730
Trust your transactions to the only payment solution recommended by over 70 bar associations. Correctly safeguard and separate

client funds into trust and operating accounts. Plus, attorneys save up to 25% off their credit card processing fees.

Mediators



Divorce Without War®

Tom Cromer, CEO
 tcromer@divorcewithoutwar.com
 www.divorcewithoutwar.com
 (888) 256-9733
 1500 San Remo Avenue, Suite 245
 Coral Gables, FL 33146
 Divorce Without War® is now offering franchise opportunities to family lawyers nationwide. Since 1992 DWW has helped thousands of couples peacefully navigate the divorce process.

QDRO Specialists/Retirement Plan Valuation Specialists



PENSION ANALYSIS CONSULTANTS, INC.

Pension Analysis Consultants, Inc. (PAC®)

Pension & QDROs in Divorce — Serving All 50 States

Mark K. Altschuler, President & Actuary
 pac1@pensionandqdro.com
 www.pensionanalysis.com
 (800) 288-3675
 Offices in: Elkins Park, PA and Coral Gables, FL
 Credentialed actuarial expertise for pension valuations and QDROs for all plans including federal, state and military. Author of Wolters-Kluwer/Aspen Publishers benchmark treatises. Court-certified testimony.



QdroDesk.com

T.K. Long, Vice-President
 info@qdrodesk.com
 www.qdrodesk.com
 (877) 770-2270
 1600 Lehigh Parkway E, Suite 1K
 Allentown, PA 18103
 QdroDesk™ provides Family Law Attorneys, their Clients, and Pro Se individuals throughout the U.S. with the most effective method of QDRO preparation in the industry.



VoitEconometricsGroup, Inc.
 Tim Voit, President
 vecon@comcast.net
 www.vecon.com
 (239) 596-7711
 27499 Riverview Center Blvd.
 Suite 206

Bonita Springs, FL 34134
 Voit Econometrics Group, Inc. is a premiere multi-jurisdictional QDRO preparation form that specializes in all types of QDROs and like orders including valuation of pensions for divorce.

Parenting Calendar



Our Family Wizard® Website

Customer Support
 info@ourfamilywizard.com
 www.ourfamilywizard.com
 (866) 755-9991
 1302 Second Street Northeast, Suite 200
 Minneapolis, MN 55413
 Our online tools help family law professionals and their clients manage custody and parenting time schedules, communication, activities, expenses and other important information.

Parenting Classes, Education and Coaching



Center for Divorce Education

Donald A. Gordon, Ph.D.
 staff@divorce-education.com
 www.divorce-education.com
 (877) 874-1365
 1005 East State Street, Suite G
 Athens, OH 45701
 CDE is a 501(c)(3) non-profit organization with over 25 years of providing effective evidence-based education programs for parents and children that minimize the harmful effects of divorce.

Private Investigators



T&M Protection Resources, LLC

Nicholas G. Himonidis, Esq., CFE, CCFS
 Vice President, Investigations
 investigations@tmprotection.com
 www.tmprotection.com
 (212) 422-0000
 230 Park Avenue, Suite 440
 New York, NY 10169
 T&M Protection Resources, LLC is a global provider of premium security and investigative services to leading corporate, institutional and private clients in the U.S. and throughout the world.

Spiritual Divorce/ Relationship Coaching



Kaly B. Block

info@itsuptoyouintegrativecoaching.com
 www.itsuptoyouintegrativecoaching.com
 (805) 612-2107
 Learn to use your divorce, separation, or any challenging relationship as a catalyst to heal your heart. Transform your life from the comfort of your home via tele-conferencing.

Technology Specialists/ Software Specialists



Family Law Software, Inc.

Daniel Caine
 dan.caine@familylawsoftware.com
 www.familylawsoftware.com
 (877) 477-5488
 831 Beacon Street, Suite 2900

Newton Ctr, MA 02459
 Family Law Software is the nationwide leader in calculation software for family law attorneys. The software includes child support, alimony needed, equitable distribution, pension valuation, and more.



Practice Management Simplified

Themis Solutions Inc. (for Clio)

Jack Newton, CEO
 jack.newton@goclio.com
 www.goclio.com
 (888) 858-2546
 999 Canada Place, Suite 404
 Vancouver, BC V6C 3E2
 Clio is the leading practice management, time & billing and client collaboration platform for small- to mid-sized law firms. Your important client data is securely accessible anywhere!

ARIZONA

Financial Professionals



BEACHFLEISCHMAN

BeachFleischman PC

Marc Fleischman, President, CPA, ABV, CFF
 mfleischman@beachfleischman.com
 www.beachfleischman.com/services/marital-dissolution-phoenix-tucson-arizona-accountants-cpas/
 (520) 321-4600
 1985 E River Road, Suite 201
 Tucson, AZ 85718
 BeachFleischman's litigation support and

PROFESSIONAL LISTINGS

forensic accounting team consists of credentialed individuals who are Certified Public Accountants (CPAs), Accredited in Business Valuation (ABV), and Certified in Financial Forensics (CFF).



Equitable Divorce Solutions, LLC

Joyce Pearson CFP®, CDFA™
joyce@equidiv.com
www.equidiv.com
(480) 607-1131
P.O. BOX 26287

Scottsdale, AZ 85255

Selected 2013 Five Star Wealth Manager. Helping your client gather detailed financial information, prepare a post divorce budget, review settlement options and answer the question "Will I be ok"?



Kotzin Valuation Partners

Lynton Kotzin, CPA, ABV, CFA, ASA, CBA, CFF, CIRA, Managing Partner
lkotzin@kotzinvaluation.com
www.kotzinvaluation.com

(602) 544-3552
2800 N. Central Avenue, Suite 1725
Phoenix, AZ 85004

Lynton Kotzin, a Certified Public Accountant, has experience providing both business valuation and litigation support services for marital dissolution.

Hallier & Lawrence PLC

Andrea Lawrence
alawrence@hallierlaw.com
www.hallierlaw.com
(602) 285-5500
3216 North Third Street, Suite 300
Phoenix, AZ 85012

CALIFORNIA

Family Lawyers



Feinberg & Waller A.P.C.

Marshall Waller, Shareholder
mwaller@lectriclaw.com
www.FeinbergWaller.com
(800) 655-4766
23501 Park Sorrento, Suite 103
Calabasas, CA 91302
433 North Camden Drive, Suite 600
Beverly Hills, CA 90210
Feinberg & Waller is a results-oriented law firm practicing exclusively in the area of Family Law.

The firm's representative clientele include business executives and high-net worth individuals.



Phillips Lerner, A Law Corporation

Stacy D. Phillips, Partner
(310) 277-7117
sdpdissoqueen@phillipslerner.com
www.phillipslerner.com

2029 Century Parkway East, Suite 1200
Los Angeles, CA 90067

Founder and managing principal, Stacy D. Phillips is a Certified Family Law Specialist and a distinguished family law attorney representing business executives, entrepreneurs, homemakers, sports, entertainment and political figures as well as high-net worth individuals.

Brandmeyer Gilligan & Dockstader, LLP

Brian K. Brandmeyer, Managing Partner
(562) 431-2000
info@bgdlawyers.com
www.bgdlawyers.com
One World Trade Center, Suite 2150
Long Beach, CA 90831

Feinberg, Mindel, Brandt & Klein LLP

Steve Mindel
(310) 447-8675
smindel@fmbkllaw.com
www.fmbkllaw.com
12424 Wilshire Boulevard, Ninth Floor
Los Angeles, CA 90025

The Law Offices of Link Schwartz

Link Schwartz
linkorama@earthlink.net
www.familylinkllaw.com
(310) 553-5465
1801 Century Park East Suite 1100
Los Angeles, CA 90067-2724

Family Lawyers/Mediators

Bartholomew & Wasznicky

Family Law Attorneys | DivorceWithRespect.com

Bartholomew & Wasznicky LLP

Hal D. Bartholomew
hal@divorcewithrespect.com
www.divorcewithrespect.com
(916) 455-5200
4740 Folsom Boulevard
Sacramento, CA 95819
With over 125 combined years of experience in California family law, the family law and divorce lawyers at Bartholomew & Wasznicky LLP have the knowledge & experience necessary to help your clients divorce with respect.



Salka Settlement Services

Fern Topas Salka
fern@wgn.net
www.fernsalka.com
(310) 207-1049
11661 San Vicente Boulevard
Suite 500

Los Angeles, CA 90049

Fern Topas Salka offers consensual dispute resolution options (CDR) that avoid courtroom intervention-case management, mediation, collaborative, coaching, second opinions, consulting, drafting, settlement negotiation and collaborative prenuptial services.

Dr. Kathy Memel

info@drkathymemel.com
www.drkathymemel.com
(310) 286-9201
424 South Beverly Drive
Beverly Hills, CA 90212

Financial Professionals



Georg Finder

georg@creditchamageexpert.com
www.creditdamageexpert.com
(855) 879-6253
1435 N. Harbor Blvd.
Suite 34, Fullerton, CA 92835

Georg Finder, court accepted credit damage evaluator since 1995. Services include Case Consultation, Preliminary Credit Damage Analysis, Credit Damage Measurement Report (CDMR), Testimony, and Author/Credit Coach.

ONISKO & SCHOLZ, LLP

Certified Public Accountants
Forensic Accountants

Onisko & Scholz, LLP

Lauren Osborne
losborne@oniskoscholz.com
www.oniskoscholz.com
(562) 420-3100 x 216
5000 E Spring Street, Suite 200
Long Beach, CA 90815
Onisko & Scholz, LLP is a boutique CPA firm specializing in forensic accounting. We perform accountings, litigation support and expert testimony. Serving California and Nevada.

Forensic Accounting Offices of Cathleen Collinsworth

Cathleen Collinsworth, CDFATM, MAFF
ccfs@earthlink.net
www.cccdfa.com
(888) 679-8940 or (949) 262-3692
4000 Barranca Parkway, Suite 250
Irvine, CA 92604

Mental Health Practitioner



Dr. Lami & Associates
Dr. Ronit Lami
 info@drlami.com
 www.drlami.com
 www.universalsights.net
 (310) 626-0218
 360N. Bedford Drive, Suite 216
 Beverly Hills, CA 90210

An internationally renowned psychologist, Dr. Lami is an expert on relationships (regularly writes and featured in the media), with over 18 years of experience resolving divorce challenges through Psychotherapy, Coaching, Evaluation (including Affluenza), Expert witness, Speaking and Consulting.

Parental Alienation Consultant

Major Family Services
 Plinio Garcia, CBPI, MBA, NACD, Director
 (310) 902-1651
 pj@majorfamilyservices.com
 www.majorfamilyservices.com
 578 Washington Boulevard, Suite 574
 Marina Del Rey, CA 90292

CONNECTICUT

Family Lawyers



Rutkin, Oldham & Griffin, LLC
 Sarah S. Oldham, Arnold H. Rutkin & David W. Griffin
 soldham@rutkinoldham.com
 www.rutkinoldham.com
 (203) 227-7301
 5 Imperial Ave., P.O. Box 295
 Westport, CT 06880

Our lawyers exclusively practice family law involving divorce, high-net-worth dissolutions, child custody and support disputes, and other complex matters associated with divorce.

FLORIDA

Financial Professionals



Harriett I. Fox, C.P.A.
 Harriett I. Fox
 harriettfox@alum.mit.edu
 www.harriettfoxcpa.com
 (305) 495-2179
 2440 Tequesta Lane, Miami FL 33133
 Harriett Fox is a CPA and a Florida certified mediator. She offers litigation support for divorce or assists in its conclusion via mediation or collaboration.



Roderick C. Moe CPA, PA
 Roderick Moe
 rod@rodmoecpa.com
 www.rodmoecpa.com
 (561) 649-5109
 3199 Lake Worth Rd., Ste. B-3
 Lake Worth, FL 33461

Roderick Moe has over 38 years' experience in tax and accounting. He provides consultation services related to legal matters, including divorce, business damages, personal injury, and wrongful death. He is a Certified Forensic CPA and is accredited in Business Valuations.



Valuation & Forensic Partners LLC
 Brandi Ruffalo, Managing Director
 bruffalo@forensic-valuation.com
 www.forensic-valuation.com
 (954) 966-7465

3475 Sheridan Street, Suite 303
 Hollywood, Florida 33021 USA
 VFP provides comprehensive financial services for divorce nationwide. Consulting and expert witness services include: business valuation, forensic accounting, tracing, lifestyle analysis, tax, retirement plans and financial affidavits.

QDRO Specialists/Retirement Plan Valuation Specialists



PENSION ANALYSIS CONSULTANTS, INC.
Pension Analysis Consultants, Inc. (PAC®)
 Pension & QDROs in Divorce
 Mark K. Altschuler, President & Actuary
 Pacfl@pensionanalysis.com
 www.pensionanalysis.com
 (800) 288-3675
 4000 Ponce de Leon Blvd., Suite 470
 Coral Gables, FL 33146
 Credentialed actuarial expertise for pension valuations and QDROs for all plans including federal, state and military. Author of WoltersKluwer/Aspen Publishers benchmark treatises. Court-certified testimony. Serving all 50 states.

Tax Attorney



The Law Office of Robert S. Steinberg P.A.
 Robert S. Steinberg, Esq.
 rss@steinbergtaxlaw.com
 www.steinbergtaxlaw.com
 (305) 253-2557
 15715 S. Dixie Hwy, Ste. 226
 Palmetto Bay, FL 33157

AV rated Attorney — CPA with over 40 years experience assisting clients and lawyers with divorce tax issues, civil and criminal.

GEORGIA

Family Lawyers



Cauthorn Nohr & Owen
 T.E. Cauthorn, Owner

tec@cauthornnohr.com
 www.cauthornnohr.com
 (770) 528-0150
 212 Church Street, Marietta, GA 30060
 Cauthorn Nohr & Owen, A Professional Corporation Provides expert representation relying on over 40 years of experience in family law, with a "win-win" outcome.

Private Investigator



Investigative Consultants International, Inc.
 T.J. Ward
 tjward2002@aol.com
 www.tjwardpi.com
 (404) 932-4016
 P.O. Box 3494, Alpharetta, GA 30023
 Since 1982, Investigative Consultants International, has provided expert investigative and security consulting services to Corporations, Law Firms and High-Profile clients in the United States and abroad.

ILLINOIS

Family Lawyers



Aronberg Goldgehn Davis & Garmisa
 Jay Frank, Senior Family Law Attorney
 jfrank@agdglaw.com
 www.agdglaw.com
 (312) 828-9600
 330 N. Wabash, Suite 1700, Chicago, IL 60611
 Our family law team covers all issues, has the expertise of the firm's other lawyers for non divorce matters, and has years of combined experience.



Janet E. Boyle & Associates LTD.
 Janet E. Boyle
 jba@janetboyle.com
 www.janetboyle.com
 (312) 332-1344
 30 N. LaSalle St., Suite 3440
 Chicago, IL 60602

Janet's background includes massive trial experience and an LLM in Taxation; a great combination — able to litigate and understand complicated financial issues. Her entire firm also understands the emotional concerns of divorce and custody disputes.



The Law Offices of Karen A. Covy, P.C.
 Karen Covy
 covy@ais.net
 www.karencovy.com
 (312) 236-1670
 203 N. LaSalle St., Suite 2300
 Chicago, IL 60601

PROFESSIONAL LISTINGS

Karen Covy is a divorce lawyer, mediator and educator. She helps people understand the divorce process and get through their divorce in the best way for them.

Levin & Brend P.C.

Jeff Brend
jbrend@levinbrend.com
www.levinbrend.com
(312) 726-4440
20 North Wacker Drive, Suite 3200
Chicago, IL 60606

LeVine, Wittenberg, Shugan, & Schatz

Brian Reidy
bwreidy@gmail.com
www.lwsslaw.com
(708) 444-4333
18400 Maple Creek Drive, Suite 600
Tinley Park, IL 60477

Financial Professionals



CohnReznick
Bruce L. Richman, MBA, MS,
CPA/ABV, CVA, CFF, CFE,
CDFA™, CPEP
bruce.richman@cohnreznick.com
www.cohnreznick.com/
bruce-richman

(312) 508-5824
200 South Wacker Drive, Suite 2600
Chicago, IL, 60606
CohnReznick's experienced team of appraisers, financial and valuation analysts provide an integrated team of professionals who are focused on your case.



F4 Financial
Cathleen Belmonte Newman
CDFA™, MBA
cathy@f4financial.com
www.f4financial.com
(847) 634-2219
City Park Corporate Center

250 Parkway Drive, Suite 150-6
Lincolnshire, IL 60069
A niche financial firm that provides analytical services and litigation support services. Specializing in lifestyle analysis, financial affidavits, expert testimony, forensic accounting, projection of future expenses and balance sheet preparation.



Linda Forman CPA, P.C.
Linda Forman
lforman@aol.com
www.divorcecpachicago.com
(847) 316-1040
500 Davis Street, Suite 812
Evanston, IL 60201

Linda Forman, Certified Public Accountant specializes in divorce cases. Since 1982, she has practiced financial and tax guidance, ERISA issues and litigation support in the Chicago area. Her services are key to getting the right questions answered in depositions.



Sequence Inc. Forensic Accounting
Tracy L. Coenen
tracy@sequenceinc.com
www.divorceinvestigation.com
(312) 498-3661 or
(414) 727-2361

Chicago, IL and Milwaukee, WI
Forensic accounting firm specializing in fraud investigations and divorce financial analysis, including lifestyle analysis, search for hidden assets and unreported income, preparation of financial affidavits and balance sheets, and expert testimony



Valuation & Forensic Partners LLC
Brandi Ruffalo, Managing Director
bruffalo@forensic-valuation.com
www.forensic-valuation.com
(847) 805-1910

1375 E. Woodfield Road, Suite 240
Chicago, IL 60194
VFP provides comprehensive financial services for divorce nationwide. Consulting and expert witness services include: business valuation, forensic accounting, tracing, lifestyle analysis, tax, retirement plans and financial affidavits.

Mediators



C.E.L. & Associates, Inc.
Brian James, Divorce Mediator and Parenting Coordinator
bjames@celandassociates.com
www.yourdivorce.org
(866) 922-4733

Offices conveniently located throughout the Chicagoland area. Through mediation, we help our clients reach equitable divorce related agreements in a peaceful and cost effective manner.

Wealth Management



Balasa Dinverno Foltz LLC Private Wealth Management
Heather Locus, CPA, CFP
hlocus@bdfllc.com
www.bdfllc.com
(630) 875-4904
Itasca and Chicago, IL

BDF manages over \$2 billion in assets for high net worth individuals. We support family law attorneys in helping their clients navigate through complex tax and financial issues during and after a divorce.

MARYLAND

Financial Professionals

Divorce Financial Solutions, Inc.
Veralynn Morris
veralynn@divorcefinancialsolutions.org

www.divorcefinancialsolutions.org
(301) 829-8603
135 W. Patrick St., Frederick, MD 21701

MASSACHUSETTS

Financial Professionals

COHN REZNICK

ACCOUNTING • TAX • ADVISORY

CohnReznick

Steven M. Dane, MBA, CPA/ABV, CFF, Partner
steven.dane@cohnreznick.com
www.cohnreznick.com/steven-m-dane
(413) 233-2313
One Monarch Place, Springfield, MA 01144
CohnReznick's experienced team of appraisers, financial and valuation analysts provide an integrated team of professionals who are focused on your case.



Gosule, Butkus & Jesson, LLP

Certified Public Accountants

Gosule, Butkus & Jesson, LLP

David H Goodman, MBA, CPA/ABV/CFF, CVA
dgoodman@gbj-bestcpa.com
www.gbj-bestcpa.com/business-valuations
(617) 698-3950
480 Adams Street, Milton, MA 02186
Objective and credible assistance determining assets and income, valuing a business, dividing assets, expert witness testimony, and analyzing settlement consequences.

MISSISSIPPI

Family Lawyers

Chinn & Associates, PLLC

Mark Chinn
mark@chinnlaw.com
www.chinnlaw.com
(601) 366-4410
The Chinn Building, 4316 Old Canton Road
Suite 200, Jackson, MS 39211

MISSOURI

Financial Professionals



John J. Placht, CPA, P.C.
John J. Placht, CPA, CVA,
MAFF, CMAP
jjpcpa@sbcglobal.net
www.jplachtcpa.com
(314) 822-4856
360 Medina Drive

St. Louis, MO 63122
A full service accounting firm offering forensic accounting and litigation support. John is certified in forensics, valuations, mergers and acquisitions.

NEW JERSEY

Family Lawyers



**Einhorn Harris Ascher
Barbarito & Frost, PC**
Patricia M. Barbarito, Partner
info@einhornharris.com
www.einhornharris.com
(973) 627-7300
165 East Main Street

P.O. Box 3010, Denville, NJ 07834
Patricia M. Barbarito is a Certified Matrimonial Attorney. She is the former chair of the New Jersey Bar Association (Family Law Section), a fellow of the American Academy of Matrimonial Lawyers.

PARAS, APY & REISS

A Professional Corporation for the Practice of Family Law

Paras, Apy & Reiss, P.C.

Patricia Apy, Bonnie Reiss, Peter Paras
familylaw@parasapyreiss.com
www.par-law.com
(732) 219-9000

The Galleria, 2 Bridge Avenue, Suite 601
Red Bank, NJ 07701

Our sole focus on New Jersey, Interstate and International Family Law cases and effective communication with our clients are our law firm's greatest strengths.



Salvaggio Law Group LLC

David Salvaggio
(973) 415-5340
dfs@salvaggiolaw.com
www.salvaggiolaw.net
65 Madison Avenue, Suite 210
Morristown, NJ 07960

A Law Firm which fully embraces ADR as the preferred approach for resolving divorce cases unless litigation will truly benefit the client.

Ceconi & Cheifetz LLC

Lizanne J. Ceconi
firm@ccfamllaw.com
www.ccfamllaw.com
(908) 273-6300
25 Deforest Avenue, Summit, NJ 07901

Charny, Charny & Karpousis, P.A.

Judith S. Charny, Managing Partner
jcharny@charnylaw.com
www.charnylaw.com
(856) 505-1700
1300 Route 73, Suite 211
Mount Laurel, NJ 08054

Finnerty, Canda & Drisgula, P.C.

John E. Finnerty
jfinnerty@familylaw-nj.com
www.familylaw-nj.com
(201) 703-6700
17-17 Route 208 North
Mack-Cali Corporate Center
Fair Lawn, NJ 07410

Laufer, Dalena, Cadicina, Jensen & Boyd, LLC

Joseph P. Cadicina Esq.
jcadicina@lauferfamilylaw.com
www.lauferfamilylaw.com
(973) 285-1444
23 Cattano Avenue, Morristown, NJ 07960

Weinberger Law Group, LLC

Bari Weinberger
(888) 888-0919
contactus@weinbergerlawgroup.com
www.weinbergerlawgroup.com
119 Cherry Hill Road, Suite 120
Parsippany, NJ 07054

NEW YORK

Family Lawyers

The Law Offices of Stephen I. Silberfein, P.C.

Stephen I. Silberfein
stephen@newyorkdivorce.com
www.newyorkdivorce.com
(212) 755-3200
1212 Avenue of Americas, 18th Floor
New York, NY 10036

OKLAHOMA

Family Lawyers

Echols & Associates

Echols & Associates

David W. Echols
dweatlaw@aol.com
www.echolslawfirm.com
(405) 691-2648
9925 S. Pennsylvania Avenue
Oklahoma City, OK 73159
Established in 1979, we are primarily engaged in contested and complex family law cases. Our eight attorneys have a combined experience of over 100 years.

PENNSYLVANIA

Family Lawyers

OBERMAYER

REBMAN MAXWELL & HIPPEL LLP

ATTORNEYS AT LAW

Obermayer Rebmman Maxwell & Hippel LLP

David Ladov, Co-Chair, Family Law Department
info@obermayer.com
www.obermayerfamilylaw.com
(215) 665-3000
One Penn Center, 1617 John F. Kennedy Blvd.
19th Floor, Philadelphia, PA 19103-1895
Obermayer's Family Law Group has experienced attorneys who successfully represent clients in family law, divorce, domestic relations, same sex unions, estate planning and child custody.

Financial Professionals



Financial Divorce Plan LLC

Loretta Hutchinson CDFIA™, NCC
loretta@financialdivorceplan.com
www.financialdivorceplan.com
(267) 202-5158
1707 Langhorne-Newtown Rd.

Suite 1, Langhorne, PA 19047
Financial Divorce Plan provides financial expertise and support to family lawyers in Pennsylvania to insure your clients receive the best possible representation.
Private Investigator

Gill and Associates, Inc.

Joseph Gill
gillandassociates@verizon.net
www.gillandassociates.com
(215) 790-0800
1500 Walnut Street, Suite 1103
Philadelphia, PA 19102

SOUTH CAROLINA

Family Lawyers

The Law Office of Lester and Hendrix

Catherine S. Hendrix, Partner
catherine@kenhlester.com
www.lesterandhendrix.com
(803) 252-4700
1901 Gadsden Street, Suite A
Columbia, SC 29201

TEXAS

Family Lawyers



LOUGHMILLER + HIGGINS
TEXAS FAMILY LAW ATTORNEYS

Loughmiller Higgins, P.C.

J. Eric Higgins, Partner
eric@loughmillerhiggins.com
www.loughmillerhiggins.com
(972) 529-5554
6401 South Custer Rd., Suite 2000
McKinney, TX 75070

The hallmarks of our firm are integrity, compassion, advocacy, community involvement, and quality legal representation. These ideals represent our values and they are fundamental to how we approach the practice of law.

Financial Professionals

J. Richard Claywell, CPA

J. Richard Claywell, CPA, ABV, ASA, CBA, CVA, CM&AA, CFFA, CFD, ABAR
info@biz-valuation.com
www.biz-valuation.com
(281) 488-7531
1560 W. Bay Area Boulevard, Suite 105,
Friendswood, TX 77546

WISCONSIN

Financial Professionals



Sequence Inc. Forensic Accounting
 Tracy L. Coenen, CPA, CFF
 tracy@sequenceinc.com
 www.divorceinvestigation.com
 (312) 498-3661 or
 (414) 727-2361

Chicago, IL and Milwaukee, WI
 Forensic accounting firm specializing in fraud investigations and divorce financial analysis, including lifestyle analysis, search for hidden assets and unreported income, preparation of financial affidavits and balance sheets, and expert testimony.

CANADA

Family Lawyers

Nathens, Siegel LLP
 Brahm Siegel
 info@nathenssiegel.com
 www.nathenssiegel.com
 (416) 222-6980
 Madison Centre
 4950 Yonge Street, Suite 2408
 Toronto, ON M2N 6K1

Financial Professionals

Alberta Divorce Finances
 Sharon Numerow, CDFA™
 sharon@albertadivorcefinances.com
 www.albertadivorcefinances.com
 (403) 703-7176
 15 - 11625 Elbow Drive SW, PO Box 83030

**Find Divorce Professionals @
 FamilyLawyerMagazine.com**

**Feature your Practice or Service
 in our Professional Listing Here and Online**

List your firm here and on our websites:
 www.FamilyLawyerMagazine.com
 www.DivorceMagazine.com
 www.MarriageAndSeparation.com

FAMILYLAWYER
 MAGAZINE.COM

DIVORCE
 MAGAZINE.COM

**MARRIAGE AND
 SEPARATION.COM**

Please contact us at
866.803.6667 x 124
 or email
Danc@DivorceMarketingGroup.com

We Strongly Recommend Divorce Marketing Group

John Harding - Pleasanton, CA

Harding & Associates Family Law has been a client of Divorce Marketing Group for more than 5 years. DMG is an essential component of our law firm's marketing and its people are trusted advisors. We look to DMG for marketing advice, website and blog content, client e-newsletters, printed advertising materials and publishing opportunities that bring invaluable credibility and attention to our practice.



Robert Brandt - Los Angeles, CA

Feinberg, Mindel, Brandt & Klein has been using the family law marketing services of Divorce Marketing Group for the past 12 years. We have been very fortunate to work with Divorce Marketing Group and to have them on our side. Their marketing and branding expertise in family law has been very helpful. During this period we have grown from 6 attorneys to 15 attorneys. We highly recommend Divorce Marketing Group.



Jay Frank - Chicago, IL

Our firm, Aronberg, Goldgehn, Davis & Garisma, has worked with Dan Couvrette and DMG for the past 12 years or so. During that time, I have had the opportunity to get to know Dan, his wife Martha Chan, and their staff. I must say that it has truly been a pleasure to work with these folks and their advice and products have, without question, enhanced our family law practice group here at the firm.



Over the years, Dan, Martha and their staff have provided invaluable input regarding the way in which we market our practice, deal with current clients, and stay in touch with former clients and practice tips from a business and economic point of view. The information and guidance have been terrific. Our practice has flourished and our bottom line has never been better. I don't know of any other source for this kind of expertise.

We plan to be with Dan, Martha and their staff for another 12 years, and another 12 years after that, and so on. It has been a wonderful relationship.

Patricia Carter - Houston, TX

Short Carter Morris has been using the marketing services of Divorce Marketing Group for 6 plus years. Their marketing products and services are 100% focused on the subject of divorce and their intimate knowledge of the subject is evident in the monthly e-newsletter and nine unique divorce guides they make available to our firm.



Divorce Marketing Group promotes our firm through their Texas *Divorce Magazine* (digital edition), *DivorceMagazine.com*, *Family Lawyer Magazine* and *FamilyLawyerMagazine.com* in addition to providing guidance and direction on the latest marketing strategies to ensure our firm remains relevant and competitively positioned in the family lawyer arena.

Jim Young - Lee Summit, MO

I have been a client of Divorce Marketing Group for over 8 years. Over the years I have moved more and more of my marketing and advertising over to DMG to the point that they handle almost all of that for me. They are professional and responsive. In addition DMG provides a broad range of services, some of which I use and all of which I have considered. They currently host my website, and I regularly have clients say to me "I hired you because you have the best website." Dan Couvrette and his entire staff have been proactive regarding the latest trends in the marketplace and have been responsive to my individual needs when I want to deviate from the typical plan.



I highly recommend Divorce Marketing Group for your family lawyer marketing needs.

Joy Feinberg - Chicago, IL

I have the utmost respect for Dan Couvrette and his team at Divorce Marketing Group. I cannot give a greater endorsement of anyone or any business than Dan and Divorce Marketing Group. They will help you grow your business into the future before you even know what the future is.



Focus on your practice
Trust the marketing with us

Contact Us for Your Free Initial Marketing Consultation • 866.803.6667 x 124
DanC@DivorceMarketingGroup.com • www.DivorceMarketingGroup.com