

**TIPS FROM THE AAML SOUTHERN CALIFORNIA CHAPTER
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For the Business Owner: It is not uncommon in a divorce action for the spouse who manages the family business to pay themselves a large bonus or to make an unusual distribution. Talk to your attorney about how such distribution should be treated in the valuation process, and whether it is a violation of the Automatic Temporary Restraining Orders ("ATRO's). Upon filing of a divorce, ATRO's require notice and accounting of any extraordinary expenditures.

For the Creative: Draft your divorce agreement in a way that ensures the rights of each spouse in royalties and residuals are protected for each creative project. A simple way to do this is an assignment of a certain interest percentage in the project (film, music, etc.). Your studio or collection usually will have a form for this; use it. If this has not been done, consider filing a request with the court to get paid, but first make sure to know exactly which entity owes the money, and the exact amount owed.

For the "Aggrieved Spouse": What happens when your ex does not follow court orders - does not pay support, does not follow a parenting plan, refuses to turn over property, etc.? One of the tools to enforce your court order is Contempt. If found guilty of contempt, the court may order the offending spouse to pay a fine and /or imprisonment until the order is performed. Another powerful enforcement tool is Receivership, where a neutral professional can be appointed to take over control and protect an asset or a business in dispute. For example, a receiver can take over management or liquidation of a real property or a small business if the managing spouse violates the court's orders regarding these assets.

For the Parent: "Move-aways," cases where one parent wants to move out of the area with the children are perhaps the most difficult cases that clients and attorneys face. Whether you are planning to move or opposing a move, it is critical to start your preparation early. These cases usually take months to complete and often involve a lengthy and expensive child custody evaluation. The court will conduct a complex analysis of all factors, including the present custodial schedule, children's relationship with both parents, reasons for the move, distance of the move, and availability of good schools and services in the new area. Importantly, the Court will consider which parent is more likely to put the needs of the children before his or her own.

For any Family Law Client: Pay attention to "heuristics." Heuristics, or cognitive biases are simple, efficient "mind tricks" by which people make decisions and reach conclusions. If ignored, they can cause you to focus on one part of the problem while ignoring the other. For example, "Anchoring Heuristic" is where a single incident or a single misdeed of your spouse may hold your attention and prevent you from seeing other aspects of his or her behavior. Confirmatory Bias may cause you to reach a conclusion prematurely, and then view later information only for the purpose of supporting that conclusion. The key to managing cognitive biases is recognition and awareness, which will improve your ability to evaluate your case more objectively.