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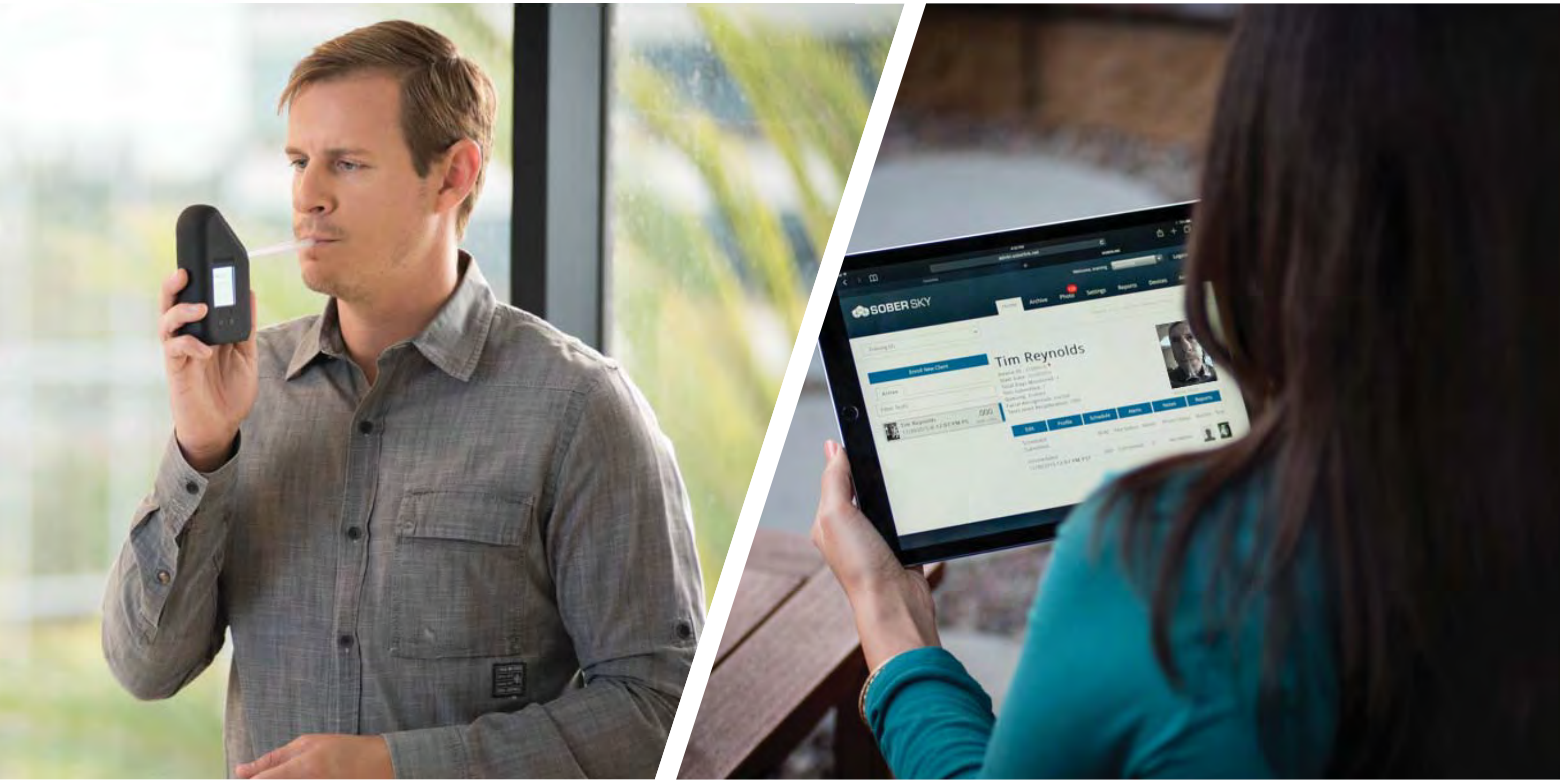
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ATTRACTING HIGH-END DIVORCE CASES

If a divorcing couple's net worth and/or celebrity status is in the stratosphere, they probably already know who they want to hire – and unless you have a lot of experience handling these types of cases successfully, it's unlikely to be you. However, there are still plenty of well-heeled clients in search of a divorce attorney – and that could be you.

Our clients who do a lot of high-asset work tell us that serving this market demands that you be at the top of your game. High-net-worth cases are not for everyone; the rewards may be greater, but the risks and challenges are also greater. However, if your goal is to get more of these cases, you might need to hone your skills – and you definitely need to invest in marketing to send the right message to your desired prospective clients.

In “7 Strategies to Attract High-Asset Divorce Cases” (page 13), Martha Chan and I offer advice – based on 20 years of marketing family lawyers to divorcing people – on attracting more quality clients to your law firm. Follow our tips and you'll be on your way to working on more high-asset and complex cases. Get ready to eat, sleep, and breathe what you do, and never rest on your laurels as more high-net-worth cases come your way.

Family Lawyer Magazine's mission is to offer information and advice that will help you achieve excellence – both professionally and personally. As always, this issue offers a broad range of articles, including:

- Using economic reality to achieve fairness in business valuation.
- Lawyers now have the duty to know how to prevent hackers from getting clients' confidential information. Learn why there is no such thing as “free WiFi.”
- What you need to know about entering a QDRO after the death of a plan participant.

- 4 ways to help ensure a prenuptial agreement is enforceable.
- A good working relationship with a client is critical to the ultimate success of the case; how to create and maintain great attorney-client relationships.
- An ill-informed attorney could cost a special-needs child his or her government benefits; potential pitfalls to avoid when it comes to child support, trusts, and benefits.
- How to perform basic present value and future value calculations in divorce.
- Understanding your client's financial and estate documents.
- Rainmaker tips: build your practice by getting into action.
- 3 possible big threats facing small law firms, and the ways you can meet them head-on.
- The greatest casualty of high-conflict divorce is the polarized child; how to help alienated children make and maintain healthy relationships with both parents.
- 3 techniques to increase productivity and satisfaction while reducing stress and anxiety in your family law practice.

For resources and referrals, check our “Professional Directory” (page 56). I also invite you to visit our website at www.FamilyLawyerMagazine.com, where you'll find articles from hundreds of divorce-industry professionals – and where you can sign up to receive our eNewsletter. If you are interested in contributing content to us, please email Editors@FamilyLawyerMagazine.com.

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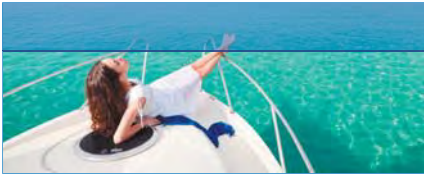
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The Dangers of Free Wi-Fi

An attorney's duty to keep client-attorney communications private now includes knowing how to prevent hackers from gaining unauthorized access to a client's confidential information. Here's why using "free" Wi-Fi is risky business.

By David Sarif and Natalie Tyler, Family Lawyers

New and advanced technology has drastically changed the practice of law. Technology has enabled lawyers to easily access, exchange, and provide information to the courts, opposing counsel, and clients. Given the demanding nature of our work, we as attorneys have been eager to learn to use new technology in order to be more productive and efficient. In the process, we have also put ourselves at risk of forgetting that certain technologies can actually pose a major threat to our practice – and to our clients.

Attorneys have an ethical duty to keep client-attorney communications and informational exchanges private and confidential. This duty has now

expanded to cover staying up-to-date on knowing how to safeguard against hackers (or perhaps even unscrupulous opposing parties) who may try to gain unauthorized access to the information we store for our clients. By way of example, if a client gives you an engagement ring for safekeeping and you place it in an unlocked, open safe compared to one with a secure combination lock only you know the code to, where is it more likely to remain? Similarly, if you ignore the potential risks of using technology to access, share, and store tax returns, social security numbers, and bank statements by leaving them in a metaphorically unlocked, open safe, you cannot guarantee that your clients' information will remain private and confidential.

Rogue Wi-Fi Access Points and Evil Twins

Hackers look for weak spots and vulnerabilities wherever they can be found. For example, they might try to use a rogue Wi-Fi access point, which could be installed on your private or office secure network without your knowledge or authorization. Once installed, the person controlling it could potentially access your secured network and wreak havoc by stealing information or changing settings.

Imagine you invite the parties and attorneys involved in a very contentious case to your office for mediation. The opposing party with a little bit of know-how (perhaps from an online video), and fueled by emotion, installs a rogue



Wi-Fi access point to your network while waiting in your lobby for mediation to start. Now that party has the ability to attack your secured network remotely, accessing your client's information and any other information that may be stored on your network.

A hacker could create an "evil twin": an unauthorized access point connected to an external network rather than your secure network. The evil twin appears to be a legitimate Wi-Fi access point offered by your office, but in reality, it has been set up to view information the user has not been authorized to view. For example, the hacker could create an access point and simply title it "XYZ Law Firm Wifi" (where XYZ is the name of a legitimate law firm).

What is particularly troublesome about the security loopholes in technology is that in today's world, you don't need to have connections, an MIT degree, or a high net worth to learn how to gain access to the information you seek. There are an endless number of websites and videos providing information on how to hack someone else's data. Unfortunately, this information is easy to find and access.

In today's world, you don't need to have connections or an MIT degree to learn how to gain unauthorized access to the information you seek.

There are also many popular and easily accessible hacking tools available to the public. Some of the more popular and easily available ones are named Angry IP Scanner, Burp Suite, Cain & Able, Ettercap, John the Ripper, Metasploit, NMap, Nessus Remote Security Scanner, THC Hydra, and Wapiti.

A hacker can also bring one of many relatively inexpensive and portable devices to a Wi-Fi hotspot and attract any other device trying to find a Wi-Fi access point. Such devices steal the credentials of legitimate Wi-Fi access points and pose as that Wi-Fi access point. Once a user logs into this fake Wi-Fi access point, it's relatively easy for the hacker to access the information stored on the user's network – or even alter that information. The hacker can continue to access and alter information even after the initial attack. Most tablets, phones, and other Wi-Fi devices automatically connect to a network they have previously accessed, and these devices allow the hacker to respond to previously accessed networks by impersonating that network.

Think Twice Before Using "Free" Wi-Fi

At the end of the day, we are the protectors of our clients' information and data. It would be naïve not to believe that a motivated individual would not be tempted and able to access our clients' information – especially if we leave the metaphorical door open to them. Attorneys need to have conversations with their clients about the risks of hacking and how to safeguard against it. Everyone, especially attorneys, should consider turning on the

"Ask to Join Network" function on their devices to prevent automatically joining Wi-Fi networks. We should also use tools like wireless intrusion prevention systems to safeguard against hacking. Finally, we all need to think twice the next time we consider accessing the free Wi-Fi available at the airport or at our local coffee shop. ■



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3 Big Threats Facing Small Family Law Firms

Large law firms have deep pockets and big teams, but here's how your small firm can protect itself against risk when operating on tight financial margins.

By Richard Hugo-Hamman



Without the resources of large firms, owners of small family law firms must be versatile and resourceful. Apart from meeting client needs, they need to be financial controllers, HR managers, and IT specialists all rolled into one. Even though a small firm's biggest threats are likely to be factors within their control, here are three possible big threats facing your small law firm, and the ways you can meet them head-on.

1. Not Getting Paid

There are a number of practical things you can do to minimize the time and anxiety expended on accounts receivable. Here is a checklist:

- Provide your clients with flexible and easy payment options. The more options you provide, the quicker you will collect.
- Get a trust fund deposit before you start work. You should also set a trust fund retainer limit – and regularly and routinely get it topped up.
- Set fee and cost estimates and know when you are approaching the limits.
- Keep a close eye on debtors and unbilled WIP and disbursements.
- Produce regular, easy-to-understand bills for smaller amounts. As you know, a big bill at the end of a matter will create an unhappy client – and likely a discount.
- Apply your own payment terms with discipline – stop work if you are not properly instructed!

2. Increased Competition

You can compete more effectively and hold up your value in the market by using one or more of these strategies:

- Lower your cost base by doing more work with fewer people; this gives you the flexibility to lower your rates but retain your profit margin.
- Minimize non-productive administrative time by automating as much data processing and bookkeeping as possible.
- Respond to your client's queries when he/she calls because you have all information about each matter in one place.
- Work more efficiently. Clients notice promptness, particularly when expecting a document or email.
- Provide a broader range of services and cross-sell effectively – stop referring work away.
- Attract new clients with a great, optimized website (most small firms don't have one).

3. Communication Breakdowns

When you are running a small law firm, you tend to put urgent client interests first. So the busier you are, the easier it is to overlook routine communication, conducting regular file reviews, and keeping your clients informed. This can get you into trouble. Follow these steps to avoid these communication breakdowns:

- Use an Electronic Matter file and keep all information, incoming and outgoing correspondence including

emails and other documents, in one secure place.

- Make fast, contemporaneous notes in the timesheet so that you have an irrefutable audit trail of all client and case conversations.
- Have standard templates and emails set up so that you spend minimal time on routine reports to clients.
- Set critical dates so that you don't miss anything that you will need to explain to a client.
- Create workflows to prompt you to create important documents at the right time.
- Have good client engagement letter in all the areas of law you practice. ■



Richard Hugo-Hamman is the Executive Chairman of LEAP Legal Software. He has thought about the challenges facing small law firms for more than 25 years and has visited thousands of law firms on three continents. www.leap.us

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7 Strategies

to Attract High-Asset Divorce Cases

To attract more quality clients to your law firm, you must properly market yourself to them. Follow these seven tips and you will be on your way to working on more high-asset and complex cases.

By Dan Couvrette and Martha Chan, Marketing Experts to Family Lawyers

Many family lawyers like to deal with high-net-worth, complex divorce cases, which they find challenging and rewarding – both financially and intellectually. Our clients, who do a lot of high-asset work, tell us that serving this market demands that you be at the top of your game. If your goal is to get more of these cases, you might need to hone your skills – both legal and marketing. Here are seven strategies to help you attract high-net-worth individuals.

1 Conduct a SWOT analysis
Before you begin a SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis, you need to be clear about what your business and

personal goals are. Then you need to do a very honest review of yourself and your practice to determine how your current SWOT will impact your goals. Do you want to increase the number of attorneys you have in your firm? Do you plan to sell your practice when you retire? Without these goals, there is no context for you to do the SWOT analysis, or to evaluate your action items and results.

Your SWOT analysis should be done in relation to your competition. How do you compare from these perspectives: legal competence, service level and options, fees, technology, reputation, and marketing efforts. You also need to look at the opportunities and threats in your field: for example, the growth of the Internet, ever-evolving technology, the ability to outsource and unbundle services, new ADR options, the involvement of other experts in family law cases, etc. You need to determine what you, your team, and your practice might

need to compete successfully for desirable clients and achieve your goals.

2 Really Get to Know Your Prospective Clients

Even if you have narrowed down your target market to be high-net-worth individuals, there is more work to be done. In this group, you may have people who have inherited their wealth, successful business owners, highly-compensated executives, politicians, athletes, celebrities, and their spouses. Do you wish to work with all of these, or specific sub-groups only? In the case of a divorce, would you prefer to represent the monied spouse or the out spouse, men or women?

Each of these sub-groups have certain legal, financial, and emotional requirements that you should address, and then demonstrate how you can deliver on those requirements to their satisfaction. Understanding the most important needs – and what it will take to satisfy them – will help you to create marketing materials that will appeal to the group(s) you are targeting. High-net-worth divorce cases and clients can also be very demanding; they will not suffer incompetence, and any weak link in your firm will end up causing problems for you. Are you and your firm ready to meet their demands?

Cont. on page 14



3 Create Your Marketing Positioning and Branding Statement

Once you have done your SWOT analysis and you know your target market, you need to work on your positioning and branding statements.

Your marketing positioning statement should clearly indicate who your target clients are, what benefits you

have to offer them, what is unique about you, and why they should engage your law firm.

Have you ever heard of the term “elevator speech”? It refers to a short reply (the length of an elevator ride) you might give to someone who asks what you do for a living. For example: “I am a family law litigator who works exclusively for high-net-worth individuals to get them the results they desire in a divorce.” Or “As attorney-mediators, we

focus on settling high-conflict and high-asset divorces out of court. We have a track record of 100% settlement.” Your elevator speech – a.k.a. your positioning statement – has to be pithy, to the point, and powerful. It is the foundation for all your marketing efforts.

Branding is achieved by being consistent with your positioning over time, both online and offline. It should guide you on the type of attorneys and support staff you hire, your office design, and even how or where your personal or group pictures should be taken.

Your elevator speech – a.k.a. your positioning statement – has to be pithy, to the point, and powerful. It is the foundation for all your marketing efforts.


4 Make Your Case to Win Clients

You would never step into a courtroom with “just enough” evidence to win a case: you want to go in with an overwhelming amount of irrefutable proof. You need to take the same approach when it comes to marketing and trying to land the cases you desire. Your marketing has to make a clear and convincing argument that you are “The One” for your prospective client’s needs.

Since you cannot interact with a potential client who sees your ad or visits your website late at night, your message needs to be clear, and it must speak to your best potential clients and referral sources. You should also present convincing evidence to back up the claims you make in your marketing materials.

Your marketing can start with your logo, tagline, stationery, website, or company brochure. Then you need to consider your online listings, collateral materials, advertisements, videos, podcasts, company e-newsletters, press releases, etc.


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Blank Rome is pleased to announce that its top-ranked Matrimonial and Family Law group has expanded to the West Coast, with the addition of four attorneys from the Los Angeles family law firm **Phillips Lerner**, bringing the practice to nearly 30 attorneys. With a strong foothold on the East Coast, Blank Rome’s Matrimonial and Family Law group has built a solid reputation practicing in New York, New Jersey, Pennsylvania, Connecticut, and Florida, and the group is excited to expand to the West Coast.

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Can QDROs be Entered Posthumously?

A QDRO can be entered, and must be honored, after the death of a plan participant – as long as it meets certain criteria.

By Timothy C. Voit, Financial Analyst

Many attorneys and even plan administrators believe that QDROs not implemented prior to the death of a plan-participant spouse will automatically make a QDRO null and void – not to mention create a liability concern. However, Section 1001 of the *Pension Protection Act* of 2006 (PPA) clarifies the issuance or timing of QDROs – including the ability to enter a QDRO after the death of a plan participant (posthumous QDRO).

Although not recommended, QDROs are often entered after the divorce – sometimes several years after. From a liability standpoint, you should enter a QDRO before or at the time of divorce, since the Internal Revenue Code defines an alternate payee as a spouse, former spouse, or dependent. Prior to PPA, if the plan participant died before a QDRO had been entered, then the former spouse was simply out of luck.

The PPA clarified a critical issue that was further reinforced in federal court in *Yale-New Haven Hospital. v. Nicholls*, 788 F.3d 79 (2d Cir. 06/04/2015). The court's reasoning and application of PPA stated in part:

"In the *Pension Protection Act* of 2006, Congress made clear that a QDRO will not fail solely because of the time at which it is issued (see Pub. L. No. 109-280, § 1001, 120 Stat. 780 [2006]), although several of our sister circuits had already reached that conclusion (see, e.g., *Files v. ExxonMobil Pension Plan*, 428 F.3d

478, 490-91 (3d Cir. [2005]), finding that a posthumous order constituted a QDRO), cert. denied, 547 U.S. 1160, 126 S.Ct. 2304, 164 L.Ed.2d 834 (2006); *Patton v. Denver Post Corp.*, 326 F.3d 1148, 1153-54 (10th Cir. 2003)."

The two QDROs entered posthumously in the *Nicholls* case were in fact considered QDROs and executed. The plans at issue were defined contribution plans; however, the reasoning applies regardless of the plan as long as the QDRO(s) are not creating an additional benefit or providing a benefit, or benefit option, not otherwise provided by the plan.

For instance, if the plan participant spouse has not yet retired, the former spouse can be deemed the beneficiary to their share of a retirement account, or as a surviving spouse to a defined benefit plan. If the plan is in-pay status (retired), the posthumous QDRO cannot create or modify the election made at retirement.

Pension Benefits in Pay

One point regarding pension benefits in pay: the benefit election made at retirement is irrevocable, especially as it pertains to ERISA plans (private sector). Attorneys reassure their clients that they are okay because the retired ex-spouse has elected joint and survivor coverage. However, many private-sector pension plans are being amended to allow for a joint and survivor annuity election (i.e., survivor benefits) to revert to a single life annuity upon divorce.

This means that the cost or reduction to provide for a survivor benefit versus a maximum life-only monthly pension benefit is effectively eliminated – but so, too, is the survivor benefit protection afforded to a former spouse.

Failing to consider these issues when preparing marital settlement agreements may have your client back in your office asking, "What happened to the money I was supposed to get?!" which could put you in a precarious position. ■



Tim Voit is a nationally recognized expert in QDROs and pension valuations in divorce. He is the author of Retirement Benefits & QDROs in Divorce, as well as Federal

Retirement Plans in Divorce – Strategies & Issues. His firm is VoitEconometrics Group. www.vecon.com.

Related Article

Using QDROs to Collect Child Support Arrearages

In addition to dividing retirement plans, QDROs can be applied to divorce situations involving alimony and child support, including the retrieval of child support arrearages.

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Ensuring the Enforceability of Prenuptial Agreements

Unless it is enforceable, a prenuptial agreement isn't worth the paper it's written on. Here are four ways to help ensure the agreement's enforceability.

By Ann Moder, Family Lawyer

Certain provisions of law allow a family lawyer to argue the enforceability – or unenforceability – of a prenuptial or premarital agreement. It is necessary to comply with all requirements of those provisions in the jurisdiction where the agreement will be enforced in order to ensure that the other party will not be able to argue any such provisions to set aside the agreement in the future, should the parties decide to divorce.

Full Financial Disclosure

The requirements of a fair financial disclosure between the parties and that the agreement be executed voluntarily and without duress or coercion are of primary importance. Also, the agreement cannot be unconscionable: in some states, the agreement can neither be unconscionable at the time when entered into by the parties nor at the time of enforcement. Whether or not expressly required by statute, the parties to a prenuptial agreement should exchange financial disclosures providing their assets and liabilities. A full knowledge of each other's assets and liabilities helps to determine the issue of

unconscionability: for example, learning the actual extent of the other's wealth could change the expectations and negotiating position of the other party. Full financial disclosure also furthers both parties' complete understanding of the agreement.

Some states allow voluntary waivers of financial disclosures, or permit arguments that the party seeking to set aside the agreement reasonably had adequate knowledge of the other party's financial circumstances when such disclosures were not made. Since a lack of disclosure opens the door to a potential argument to set aside the agreement, full and accurate mutual financial disclosures are imperative.

Allow Sufficient Time

There are various items to consider to ensure that the agreement cannot be set aside due to coercion or duress, including but not limited to:

- the time frame in which the party seeking to set aside the agreement had to review, revise, and understand the agreement;
- the education and ability of that party to understand the agreement;

- the time frame in which the agreement was signed and/or negotiated prior to the marriage ceremony;
- and whether or not that party is represented by counsel.

When being retained to prepare a prenuptial agreement, the attorney must determine whether or not there is sufficient time – considering the aforementioned factors – to prepare and execute the agreement prior to the marriage ceremony. You must factor in ample time to educate both parties on all aspects of the agreement to ensure consent is knowing and voluntary, as well as to make revisions requested by one or both parties.

Recording the Execution of the Agreement

Many experienced attorneys recommend video-recording and transcribing the execution of the agreement. You should discuss the pros and cons about the decision to employ a videographer or court reporter with your client – especially since the bar is split as to the positives and negatives of creating this type of record. Generally, both attorneys of record explain the provisions

of the agreement to their respective clients while being recorded and transcribed. In some jurisdictions, it is advisable to have a retired judicial officer officiate the explanation and execution of the agreement; in many situations, the retired judicial officer questions both parties in connection with the agreement. Ultimately, the purpose of the video and transcription is to provide assurance that both parties understand the terms of the agreement, and enter into those terms freely, voluntarily, and without coercion or duress.

Independent Legal Counsel

If he/she has not already done so, request that the other party obtain his/her own legal counsel. This gives the other party the opportunity to obtain a full understanding of the agreement, and to state on the record that the agreement was fully explained to him/her by counsel. The requirement of access to independent counsel is crucial when one or both parties are

waiving important legal rights. Many family law attorneys take the position that they will not represent a party to a prenuptial agreement when the other party does not have legal representation. If one party does not have an attorney, it could leave the door open for that party to later state that he or she did not fully understand what they signed. Again, some states have waivers allowing a party to execute a prenuptial agreement without counsel, and it may still be valid and enforceable; however, this is also not recommended, as it can create potential problems resulting in future litigation in connection with the enforcement of the agreement.

Because prenuptial agreements vary from jurisdiction to jurisdiction, and last for the duration of the marriage, if you are not well-versed in this area of law, consider consulting or associating with a family law practitioner who is not only experienced in this area of law, but also experienced in the appropriate jurisdiction. ■



Ann Moder is an attorney at Feinberg Mindel Brandt & Klein, LLP. Licensed in California and Illinois, Ann has an extensive litigation background representing individuals in all aspects

of family law matters, including property division, complex financial matters, tax consequences, and pre- and post-nuptial agreements. www.fmbklaw.com

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Using Prenuptial Agreements to Protect a Business

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Child Support for Special- Needs Children:

Hazards and Unintended Consequences

A well-intentioned – but ill-informed – attorney could cost a special-needs child his or her government benefits. Here is how to avoid some potential pitfalls when it comes to child support, trusts, and benefits.

By Kim Martin, Estate Lawyer,
and Wayne Morrison, Family
Lawyer

The divorce rate among couples with a special-needs child is significantly higher than the divorce rate in the general population. Special-needs children frequently require assistance beyond the age of majority as well as beyond their parents' lives; divorce attorneys should understand the benefits available to help care for such children, and how a well-intentioned – but ill-informed – attorney can do more harm than good. For example, post-majority child support can lead to the loss of government benefits. However, a special-needs trust (SNT) can hold assets that would otherwise disqualify a child from receiving benefits.

There are two main categories of special-needs trusts: third-party trusts (which hold assets belonging to anyone other than the beneficiary), and first-party trusts (which hold assets belonging to the beneficiary, including child-support payments). Any assets remaining in a first-party trust after the beneficiary's death must be used to repay Medicaid for expenditures made on the child's behalf.

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In Memoriam, Judge M. Eileen Echols (March 16, 1951–June 30, 2016)



It is with great sadness that Echols & Associates says farewell to one of our esteemed attorneys, Eileen Echols. Our chief litigator and a former family law judge, Eileen was a respected and recognized leader and mentor who was admired and loved by everyone who knew her. Although her presence, wisdom, and skills will be dearly missed, our attorneys and staff will remain strong in the knowledge that Eileen's legacy of excellence in the practice of family law will live on at this firm.



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The attorney in a special-needs case needs to know if the child is receiving means-tested benefits or is likely to do so in the future. Means-tested benefits are paid only if the child has assets totaling less than \$2,000. The two most common types of means-tested benefits are Social Security Insurance (SSI) and Medicaid. SSI pays up to \$733 per month (for 2016). A quick way to determine whether a social security payment is SSI (which is means-tested) or SSDI (which is not) is to check the amount. If the payment exceeds \$733, the recipient is receiving SSDI.

Potential Hazards

When determining if a special-needs child qualifies for government benefits, child-support payments are frequently attributed to the child. Unfortunately, this can reduce or eliminate the child's benefits. It is critically important that a payee not lose SSI: if a recipient's SSI benefit is reduced to zero, that recipient will also lose Medicaid coverage. The following is a summary of some potential hazards. (Except where noted, the child does not live with the payor-parent the majority of the time.)

- A parent pays child support for a child who receives SSI; even though payment is made to the parent, SSI characterizes the payment as the child's unearned income. SSI excludes 1/3 of that unearned income, but the other 2/3 reduces the child's monthly SSI benefit dollar for dollar. If a child receives child-support payments from a parent who lives the majority of the time with the child, the entire payment is counted directly against the child's SSI.
- If child support is paid on behalf of an adult child (a person who is over age 18, or over age 22 if regularly attending school or training designed to prepare the child for a job, who is married, or who is the head of a household), SSI disregards \$20 of that payment. The rest of the payment is considered unearned



When determining if a special-needs child qualifies for government benefits, child-support payments are frequently attributed to the child. Unfortunately, this can reduce or eliminate the child's benefits.

income and 100% of it reduces the child's SSI dollar for dollar. If SSI is reduced to zero, the child automatically loses Medicaid. Additionally, the child loses the ability to apply for waiver programs that pay for community living support, transportation, job coaching, etc.

- If a parent pays directly for food or shelter for a child who receives SSI, the payments are considered In-kind Support and Maintenance (ISM). ISM reduces SSI benefits dollar for dollar up to 1/3 of the SSI benefit (with an additional disregard of \$20 under some circumstances).
- If the settlement agreement provides that a parent will pay directly for things other than food or shelter, the child's SSI benefit is undiminished by the payments. Payments made directly for school tuition, unreimbursed medical expenses, clothing, entertainment, etc., have no effect on SSI.

Trusts for Special-Needs Cases

Child-support payments are viewed as the child's property, so those assets cannot be placed into a third-party trust. Instead, consider payments to a first-party trust. In such instances:

- Provided that trust funds are used for the child's sole benefit and no distributions are made for food or shelter, trust expenditures will not reduce SSI.
- Any asset that belongs to the child can be held by the trustee – includ-

ing child-support payments, unspent SSI payments, damages awarded pursuant to a personal injury claim, and gifts or bequests made directly to the child.

The divorce decree should direct the payor-parent to pay child support to the first-party trust. If the final decree does not include this requirement, the custodial parent can irrevocably assign child-support payments to the trust. However, Medicaid payback provisions apply to a first-party trust, making them ill-suited to hold large sums of money. If a settlement agreement or decree is worded properly, it is possible to direct funds into a third-party trust, which is not subject to Medicaid payback rules.

If a trust is needed, terms and how to fund the trust should be addressed in settlement negotiations or mediation. If an agreement cannot be reached, a practitioner should be prepared to present the issue at trial. This may involve asking the court to order assets and or payments to a parent to fund a trust.

In many jurisdictions, the court considers the expense associated with a parent supporting a dependent adult child when determining alimony. In *Kosikowski v. Kosikowski*, 240 Ga. 381(1977), the Supreme Court expressly held that where a parent has assumed the responsibility of providing necessary care for a needy adult child, that circumstance is relevant to the issue of alimony.

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Ms. Williams lectures frequently for the Institute of Continuing Legal Education and her articles have

appeared in *New Jersey Lawyer*, *New Jersey Family Lawyer*, and other publications statewide. She recently presented at the Family Law CLE Seminar "Handling Sex Abuse Allegations in Family Law Cases."

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A peer-rated Super Lawyer® and VIP member of the National Association of Professional Women, Ms. Williams was the first New Jersey attorney to become board-certified by the National Board of Trial Advocacy as a Family Law Trial Advocate. She was also appointed to serve a three-year term on the New Jersey Board on Attorney Certification and ranked among the top ten New Jersey lawyers in Client Satisfaction by the American Institute of Family Law Attorneys for two consecutive years.

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Protecting an Estate During and After Divorce



As you help your clients create their next chapter, it's important to understand the ramifications of their financial and estate documents.

By Heather Locus, CPA, CFP®, CDFA™

Going through a divorce is likely the most challenging experience your clients will ever live through. They will have to make countless life-impacting decisions during an emotionally chaotic time. And while some might wish their spouse would literally get hit by a bus, estate-planning matters often get overlooked during the divorce process. If any estate planning has been done in the past, their spouse is most likely listed as their successor trustee, executor, agent designated in powers of attorney, and primary or contingent beneficiary. It is unlikely your client will want their spouse in any of these roles going forward, which makes it important to discuss with him or her and their estate planning attorney what can be done to protect their assets in the event they pass away before the divorce is final.

Who Gets What: The Basic Rules of Trust, Probate, and Estate Law

Every state has its own laws that direct what happens to property when someone dies. Generally, only spouses, registered domestic partners, children, and blood relatives inherit under intestate succession laws when there is not an executed will or trust; unmarried partners, friends, and charities typically get nothing. While the exact amount varies by state, if the deceased person was still legally married, the surviving spouse usually receives a large share with the remaining going to any children. If there are no children, the surviving spouse often receives all the property; more distant relatives inherit only if there are no surviving spouse or children. In the rare event that no relatives can be found, the state takes the assets.

Although there are ways to limit

the assets a spouse would receive at death with strategic use of account registrations, beneficiary designations, and trusts, most states have laws that enable a current spouse to receive at least some probate assets. For example, in Illinois there is an "elective share" statute entitling a spouse to one-third of assets distributed through a will if there are kids and one-half if there are no kids. If someone dies without a will or trust (intestate succession) in Illinois, their spouse will receive one-half of the probate estate if they have kids, and all of the estate if they do not have kids. Note: the "elective share" does not include assets passing via joint tenancy, beneficiary designations, or a trust as they avoid probate.

Wills and Trusts

Married individuals typically designate their spouse as executor of their estate in their will and the successor trustee of their trusts.

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They often name in-laws to important positions as well. Depending how their assets are titled, and whether they have a prenuptial agreement or any court orders restricting transfers or revisions to estate-planning documents, updating wills and trusts can be challenging during the divorce process. It is important to at least make sure your client understands their options.

Other Beneficiary Designations

Proceeds of life insurance and retirement plans are distributed according to beneficiary designations, which override wills and trusts. Beneficiaries are easy to change for insurance and IRAs, but spousal consent is required for 401ks and other “qualified plans.” There is no statute in Illinois prohibiting an ex-spouse from receiving retirement assets or life insurance proceeds if beneficiary designations are not updated after the divorce is final, as there is with wills and trusts. Therefore, it is critical for clients to update beneficiary designations as appropriate right after the divorce if they choose not to during the process.

Powers of Attorney

If your client has durable powers of attorney for property and health care designating their spouse as their agent, they should consider revoking them immediately to prevent their estranged spouse from having unlimited access to bank accounts, financial assets, and making health-care decisions on their behalf should they become incapacitated. These forms are very easy to update.

Guardians of Minor Children

Your client’s will should designate an alternate guardian. In most cases, the law automatically deems a surviving parent the guardian – but if the ex-spouse passes away after your client and while their children are still minors without designating a guardian, then the court would look to your client’s will.

Additional Considerations

In Illinois, an ex-spouse is considered

While there are ways to limit the assets a spouse would receive at death with strategic use of account registrations, beneficiary designations and trusts, most states have laws that enable a current spouse to receive at least some probate assets.

to have predeceased the decedent for purposes of their will or revocable trust – but there is no similar Illinois law provision for terminating an ex-spouse’s rights in an irrevocable trust. Even if a married individual with some foresight deposits inherited assets into his or her own individual account to keep them non-marital, that account is now part of the probate estate at death. If your client passes away before the divorce is final, the surviving spouse can contest the estate to receive his or her “elective share” of assets held in the individual account – including the inherited assets, even though they would have been non-marital for divorce purposes. Therefore, you should encourage clients to ask anyone they may anticipate inheriting assets from to distribute them to a trust rather than outright to your client. This strategy can protect clients from other creditors as well.

I recently had this issue with one of my clients whose mother had cancer. Her mother updated her estate-planning documents during my client’s divorce to have her daughter’s inheritance go into a trust while her sons’ assets were distributed outright to them. Unfortunately, my client’s mother did pass away during the divorce, but her assets went into trust and will not be subject to the “elective share” in the unlikely event my client passes away before the divorce is final.

As you help your clients create their next chapter, it’s important to understand the ramifications of their financial and estate documents given their evolving family dynamics. A divorce attorney recently told me a tragic story about one of her clients who suddenly became ill and had not updated her estate-planning documents. The client’s soon-to-be

ex-spouse was called to make the client’s life-support decisions, and he received all of her assets with none going to their children. Given that the client’s husband had an additional child with his new girlfriend, the attorney is confident her client would have wanted her children to make her medical decisions and receive all of her assets rather than her husband. Don’t let this happen to your clients! Work with their financial advisor and estate planning attorney to ensure their wishes are followed regardless of any outcome. ■



Heather Locus, CPA, CFP®, CDFA™ leads the divorce niche at Balasa Dinverno Foltz, LLC. She enjoys solving complex problems by balancing the financial and emo-

tional components with the tax and legal issues. Heather has contributed to various publications such as The Wall Street Journal, Crain’s Chicago Business, the AARP Bulletin and Divorce Magazine. www.bdfllc.com

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HOW TO CREATE a Good Attorney-Client Relationship

Foster an atmosphere of mutual trust and respect, keep the lines of communication open, and be honest about the likelihood of achieving all your client's goals.

By Paul M. Graziano, Family Lawyer

As an attorney whose practice is exclusively dedicated to family law, I have learned that maintaining a good working relationship with a client is critical to the ultimate success of the case – and an essential component of achieving the client's goals during representation. The importance of establishing and maintaining a good working relationship with your client, from commencement through to conclusion, cannot be overstated.

Establishing a good attorney-client relationship starts during the initial consultation. At the outset, the attorney should create an atmosphere of trust, identify the potential legal issues involved in the case, elicit facts and circumstances from the client that are relevant to the legal issues, and most importantly, assess the client's credibility and make a determination as to whether the attorney and client can work well together to achieve the client's goals. Trust is earned; it takes

time to build trust and create a comfort level for the client, and that process starts at the commencement of the engagement.

The Initial Consultation

The initial consultation provides an opportunity for both the attorney and prospective client to get to know one another and decide whether the relationship will be effective and productive. Attorneys have different styles and “bedside manners” in terms of how they interact with their clients and work with them on legal matters. Not every attorney is a good fit for every client, and not every attorney will share the same opinion or perspective on how best to handle the client's matter. It is critically important – both during the initial consultation and throughout the case – to set and continue to manage the client's expectations as to the outcome of contested issues.

During the initial consultation,

clients often ask the attorney to render a legal opinion regarding specific issues in their matter. An attorney can provide a general framework of potential outcomes, but at the inception of a case, it is difficult (if not impossible) to render a legal opinion with certainty as to the ultimate outcome. Clients will rely on their attorney's opinions and analysis, so be judicious when discussing possible outcomes. There is no benefit to anyone in the process if you simply tell the client what he/she wants to hear and fail to fully explain possible outcomes – and what it may take in terms of time and money to pursue the client's goals. The attorney's obligation is to assess the issues and to provide the client with the most accurate analysis possible, including an honest assessment of all the potential outcomes in their case – favorable and unfavorable. Tread lightly, but honesty really is the best policy.

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Technology and Divorce

The technology boom has had a significant effect on how clients choose their attorneys. Prior to a prospective client even stepping foot in your door for a consultation, he/she has likely already conducted legal research online concerning his/her case, consulted with other attorneys and/or family and friends about the case, and learned about your professional background and experience practicing law. This can result in the client already having a specific opinion as to how you should handle the case. You need to manage the client's expectations regarding how you intend to handle issues in their matter – and ensure that your client understands and agrees with your strategy.

The attorney's obligation is to assess the issues and to provide the client with the most accurate analysis possible, including an honest assessment of all the potential outcomes in their case.

Much of what can be found on the Internet by way of attorney websites, legal blogs, and open forum discussions are effective in providing a general overview and framework concerning a legal issue or body of law, but lack specificity in regard to the variables and different facts and circumstances that ultimately dictate the outcome of a client's particular legal issues. Given that there is easy access to this kind of general information, today's litigants self-educate more than ever – but the attorney still has the ultimate responsibility to make sure the client fully understands the issues in their case and the relevant statutory authority and case law that will impact the determination of these issues.

Consider providing clients with specific references to statutory authority and/or relevant case law concerning their matter so they have an opportunity to read and review some of the authority and information you may be

relying upon in assessing their case. I encourage clients to be invested in their case – to educate themselves, and to ask questions whenever they are uncertain about any aspect of their case. You should always keep an open line of communication with your client.

Developing and Maintaining the Relationship

After the client has retained you, the focus shifts to further developing and maintaining a good attorney-client relationship. Maintaining the relationship requires diligence on the attorney's part, and also on the part of the attorney's staff. Your staff serves as an extension of you, and your client expects the same professionalism, courtesy, and respect from your office as they do from you. When your staff falls short of meeting

these expectations, this reflects poorly on you. Having a good support team is critical to effectively representing and keeping clients happy.

I am often interviewed by clients seeking to hire new counsel to represent them. The principal complaints I hear from clients relate to their frustration in not being able to communicate directly with their attorney, the lack of timely response(s) by the attorney, and difficulty in gaining access to the attorney. Clients expect that their attorney and his/her staff will respond promptly to inquiries or questions, including providing correspondence and/or pleadings received, and keeping them apprised of the status of their case. With the proliferation of email and text messaging, clients expect a rapid response to their inquiries.

Set ground rules with your clients regarding how you will respond to their queries; establish an easy and

expedient method of communication between counsel and staff, and specify the manner in which your office will provide correspondence, pleadings, and other written materials received during the pendency of the case. Setting expectations as to how communication will be handled will greatly reduce the possibility of misunderstandings – and help prevent clients from looking for a new attorney.

You need to remember that clients often come to a family lawyer's office in the worst of times. They are nervous, anxious, and looking for guidance. To create an effective and productive attorney-client relationship, you need to foster an atmosphere of mutual trust and honesty, establish ground rules for communication, and manage the client's expectations regarding the potential outcome of their case. Ultimately, your responsibility is to advocate on behalf of your clients, provide guidance and recommendations to them, and formulate a plan to achieve all realistic goals. Successful representation requires establishing and maintaining a good working relationship with your clients. ■



Paul M. Graziano is a senior associate with Phillips Whisnant Gazin Gorczyca & Curtin, LLP. He dedicates his practice exclusively to family law; his previous experience

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Techniques to Improve Communication with Clients

Five legal professionals offers tips and tools to help improve attorney-client relationships through better communication.

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Special Needs / Cont. from page 22

Where there are insufficient assets to fund a third-party SNT, consider naming the trust as the beneficiary of a life insurance policy or an annuity. Support for this can be found in *Hawkins v. Hawkins*, 268 Ga. 637 (1997) (trial court may enter an order requiring a former spouse be named as a beneficiary of a life insurance policy ensuring alimony payments) and *Simmons v. Simmons*, 288 Ga. 670 (2011) (trial court may require a party to maintain life insurance for the benefit of their child(ren), additionally requiring the establishment of a trust in which to place any proceeds).

When preparing an agreement or drafting a proposed order, remember that funds being paid into a third-party SNT cannot take the place of child-support payments. It is of paramount importance not to characterize assets in a third-party SNT as being for the support of the child. ■



Kim Martin is an attorney at Nadler Biernath. Her practice focuses on trusts and estates, with a specialization in estate planning for families with a special-needs family member. Kim is a member of the Academy of Special Needs Planners. www.nadlerbiernath.com



Wayne Morrison is Of Counsel with Kessler & Solomiany. He represents clients in all aspects of family law, and he has a Martindale-Hubbell AV Preeminent rating. Before becoming a lawyer, he worked as financial analyst preparing, analyzing, and auditing financial statements. www.ksfamilylaw.com

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Essential Issues When Handling Cases with Special Needs Children

Cases involving children with special needs are not taught in law school and are rarely covered in family law seminars. Do not assume you are prepared to handle these cases properly.

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Rainmaker Tips:

14 Ways to Grow Your Practice

By Mark Powers and Steve Riley, Practice Advisors

There's no substitute for action when you want to grow and build your practice. Thinking about it, worrying about it, and writing down names only takes you so far. You have to get out on the playing field to score. Here are a few tips that could help you get into action.

1 Meetings Make Things Happen

Schedule a weekly or monthly marketing meeting to discuss your client development and community involvement goals with your partners, your

associates, or your marketing assistant. Having a regularly scheduled meeting creates a structure of accountability for you and whoever else is trying to market your firm. I know from experience that plans and commitments that are made public and discussed with others are much more likely to happen.

2 Block Time in Your Calendar for Marketing

When your marketing time blocks are preset and blocked in advance, it is easier for your marketing assistant to schedule

Before you can start building your client database and growing your practice, be prepared to make changes to your marketing techniques.

marketing meetings and lunches since they don't have to constantly recheck your availability.

3 Develop and Know Your Referral Network

Prior to meeting with a new referral source, take a look at their website and any social media platforms on which you can access their profile. Surveying their Internet presence will give you a good idea of what's important to them both in their business and personal lives and can serve as fodder for your conversation.

You don't want to sound like an Internet stalker, just someone who's taken the time to do a little research.

4 Community Involvement Is Good for Business

Becoming an active member of your community and volunteering for causes you are authentically excited about will not only help the disadvantaged, it will build your firm's reputation.

5 Create Better Systems

Make it easy for your receptionist or marketing assistant to gather data on incoming calls by using a call tracking form which allows you to capture how many inquiry calls come in, who sent those callers, and how many of those callers convert to initial consultations.

6 Use Technology to Help Build Your Practice

Most case management systems allow you to input notes about the referral source that sent you each case. Be sure to track this information, not only to have a convenient place for all your notes, but because you can also easily generate a list of all the cases/matters they have sent.

7 Marketing Requires Patience.

Clients may come from a new referral source immediately, but it usually takes numerous meetings for the referrer to trust you enough to risk recommending you.

8 Look the Part

When a prospective client or referral source meets you for the first time, what do they see? Someone who projects a polished, professional image? Someone who looks reliable, trustworthy, and capable of solving complex problems? If not, you may need to upgrade elements of your wardrobe such as your shoes or your briefcase. When people have little else to go on, they will judge you based

on your appearance. Make your image work for you, not against you.

Your personal presentation is either going to further your brand or work against you. Never forget that, even in these days of "business casual," people will still judge you by how you dress. Aim to dress a notch above how your competitors and referral sources dress.

9 Networking Made Easy

Most referral sources are more than willing to introduce you to people in their network. To make the introduction easy, arrange a lunch meeting and suggest they bring the person along. In these situations, I recommend you also pick up the tab.

10 Use Social Media

You can use Twitter to follow people in the legal profession whom you want to cultivate and eventually meet. Use social media as a way to become acquainted with potential referral sources and extend your networking range.

11 Refer Your Referral Sources as Often as Possible

Be vigilant in your efforts to spot potential clients for your referral sources. There is no better way to get their attention and inspire their sense of reciprocity.

12 Get Help, Professional or Otherwise

If you can afford to hire marketing professionals, do so. Otherwise, hire a young intern – preferably a college student studying marketing – to re-energize your marketing efforts. They can set up your social media sites and even interview you to ghostwrite your blog, saving you time and effort so you can focus on face-to-face marketing activities.

13 Consistent Action Works

In the world of commercial sales, studies show that 81% of the sales

happen on the fifth contact or later. In the Rule of Seven from the book, *Personal Village*, a person attempting to establish a relationship with a new group or community must be seen seven times to be considered an "insider." Keep these numbers in mind while attempting to build relationships with people who could become referral sources – patience is a virtue.

14 Get Into Action Right Now

Take a moment right now to think of a referral source with whom you haven't communicated in a while. Then take another moment to email (or text) and invite them to lunch to catch up. In the space of a few moments you can reach out and initiate contact with someone that can result in future business. ■



Mark Powers is the President of Atticus, and is an internationally-known speaker who has been coaching attorneys for almost 20 years.



Steve Riley is a practice advisor at Atticus and provides coaching and presents at workshops throughout the U.S. www.atticasonline.com

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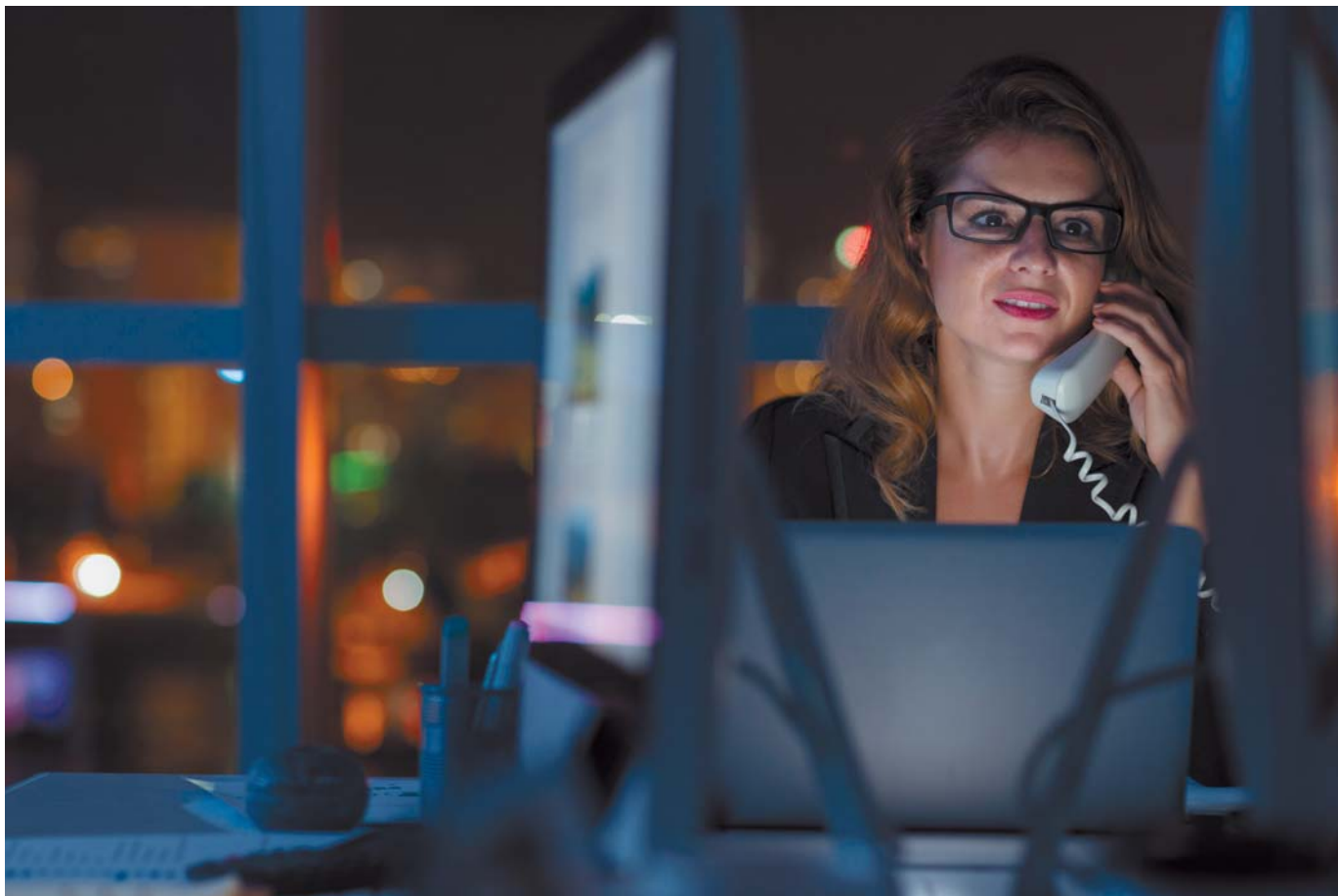
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Contact us. We Build Better Websites. Period.

Help Others Blow Your Horn



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As the publisher of *Family Lawyer Magazine*, *Divorce Magazine*, and 6 divorce-related websites that reach 3,000,000+ divorcing people, we can enhance your reputation through interviews with our editors, publishing articles authored by you, and by making you a Faculty Member of our Divorce School (TheDivorceSchool.com).

We'll Help Your Stand Out and Be Chosen by the Right Clients.

Here Comes the Evidence

We know you want evidence to support our claims that we are a marketing dream team: a one-stop specialty marketing agency that can help you increase your billable hours, generate referrals regularly, attract quality clients, and enhance your reputation. So, here are the details of Divorce Marketing Group's products and services:

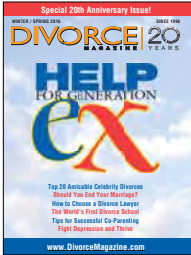


Exhibit A. Two quality print publications and six websites to promote your practice

We are the publishers of *Divorce Magazine* and *Family Lawyer Magazine*. As our clients, you can advertise and/or become published authors in these two magazines – and our six divorce-related websites, which reach 3,000,000+ divorcing people. Our websites include:

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- www.DivorceMagazine.com
- www.DivorcedMoms.com
- www.TheDivorceSchool.com
- www.MoneyAndDivorceGuide.com
- www.ChildrenAndDivorceGuide.com



Exhibit B. Products that enrich your website content, and generate traffic and referrals

- **10 Divorce Guides** – Professionally written and designed, these 32-page, full-color Divorce Guides offer useful articles to your clients and prospective clients while featuring your firm profile and contact information front and center.
- **Monthly Divorce eNewsletter** – Keep yourself top-of-mind with your clients and referral sources.



Exhibit C. Marketing Services that help you stand out from your peers

We offer a full range of services, including:

- **Marketing Consultation** – To develop a cohesive marketing plan.
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- **Online Reputation Management** – Are you losing business to less qualified family lawyers who sound and look good online?



Exhibit D. Testimonials

Our clients rave about us! Some of them are AAML Fellows and SuperLawyers; see their testimonials about Divorce Marketing Group on pages 10 and 11.



Make Divorce Marketing Group Your Marketing Dream Team.

Why Lawyers Need to Pay Attention to Spirituality



Use these three techniques to increase productivity and satisfaction while reducing stress and anxiety in your family law practice.

By James Gray Robinson,
Consultant and Speaker

According to many studies, lawyers (especially family lawyers) have some of the highest stress, depression, anxiety, and addiction levels of any profession. Some studies have cited that attorneys have three times the level of alcoholism and depression than the general populace. Even though lawyers have known these statistics for years, nothing seems to be changing. I was a trial and family law attorney for 27 years, and participated as a counselor and intervention specialist for my state's bar association section helping lawyers with addiction problems. I saw first-hand the effects of stress and addiction on my colleagues.

Many law school students graduate with huge debts from law school (and college) – including tuition and expenses. According to US News and World Report, as many as 90% of the 2015 graduating class of many well-known law schools graduated with debts of well over \$100,000 (76% of Yale graduates owed \$123,000). That is a huge amount of debt for any lawyer to bear when they are trying to start a practice, even if they landed a plum job at a top law firm. No wonder stress levels are high.

The competition for clients and fees is huge. What happens is that many lawyers feel like they have to fight the opposition, the opposition's lawyers, the judge, and then their client when it is time to be paid. As a former divorce lawyer, I know that family law is one of the most time-consuming litigation categories – which can result in invoices that few clients can afford to pay. Oftentimes lawyers can feel like there is no safe haven in the career that they thought would bring satisfaction and fulfillment.

Three Life- and Career-Changing Techniques

1. Let's start with meditation. The object of meditation is to stop thinking for as long as we can. I call it "brain recess". For most lawyers, that would be like asking them to breathe in a vacuum; after all, that is what lawyers are trained to do: think. Meditation is the absolute last thing our legal minds want to do, but it is absolutely critical to our well-being that we detach from our thoughts for a few minutes a day. Meditation is like engaging the clutch on that hamster wheel in our mental cage so that the thoughts stop spinning around and around. There are as many different types of meditation as there are lawyers; find the kind of meditation that appeals to you (pun intended).

2. The second technique to consider is breathing. Yes, breathing. Most lawyers (as well as the general population) do not breathe deeply enough.

Shallow breathing cuts off adequate oxygen to the frontal lobe, which results in higher brain function shut-down. When we sense fear or threat, we automatically start breathing faster and more shallowly; this creates fight-or-flight syndrome, also known as panic. When we focus on breathing deeply, we supply enough oxygen to our frontal cortex – our analytical brain – to allow us to reason. Otherwise, we stay in a state of panic and fear as if being chased by wild animals, snakes, or spiders – which compromises our ability to analyze and make good decisions.

3. The third technique is commonly known as "mindfulness." I call it "paying attention." When we detach ourselves from our thoughts, we can actually master them faster. The whole notion of the power of positive thinking only works if we are controlling our minds, not the other way around. Lawyers train their minds to work a certain way, to anticipate problems. We have to detach from that unique ability long enough to stop anxiety from setting in. We can control our thinking, but we have to be aware that we are thinking; we can control our thoughts if we are aware of them. If we are afraid, we can be aware of the feeling of fear. If we are stressed, we can be aware of the feeling of stress. With awareness, we can turn our thoughts in a positive direction and let go of the negative feelings. It becomes easy to do with practice.

Control Your Thoughts, Control Your Career

When we gain control of our thoughts, we can realize that we are simply good people who are doing legal work for a living – not lawyers who are trying to be good people. When we fall into the trap of identifying ourselves as lawyers first and foremost, we are letting the tail wag the dog. Many lawyers I know are compassionate, peaceful, and happy – probably because they have not let their legal mind overtake their conscious mind.

Lawyers who are caught in a loop of "Win at all costs," "Get that client no matter what," or "How do I pay my bills?" have fallen into a lose-lose mindset. When we perceive practicing law as a "win-lose" scenario, we also fall into the lose-lose mindset. We have to think of ourselves as counselors rather than warriors, and add tools like breathing, meditation, and mindfulness to our toolboxes.

Using these techniques to eliminate stress and anxiety can make practicing law fulfilling and successful. If you think spirituality is not for you, I urge you to reconsider: it could save your license – or your life. ■



James Gray Robinson was a third-generation trial attorney, specializing in family law, for 27 years. In 2004, he became a consultant who works with a wide range

of people, professional organizations, and corporations. His mission is for all people to have fulfilling, peaceful career experiences and work environments. www.JamesGrayRobinson.com

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PARENTAL ALIENATION:

7 Ways to Help a Polarized Child

How family law professionals can help alienated children make and maintain healthy relationships with both parents.

By Benjamin D. Garber, Ph.D., Family Law Consultant, Evaluator, and Expert Witness

The greatest casualty of high-conflict divorce is the polarized child. You know this child: so much of her* life has been spent in her parents' crossfire that she's been forced to choose sides. She's learned that loving one parent is a betrayal of the other. We could argue endlessly about the extent to which the preferred parent has needlessly undermined her relationship with the rejected parent (alienation) and may be overinvolved in her life (enmeshment), versus the extent to which the rejected parent

is insensitive and unresponsive to her needs (estrangement), but dozens of motions, tens of thousands of dollars, and many months later, the child is still caught in the middle.

The following is a very brief summary of the remedies commonly available to family law professionals who are willing to think beyond blame to actually try to help the polarized child make and maintain a healthy relationship with all of her caregivers. This overview serves as an introduction; in order to genuinely serve the polarized child's needs, you will

require a thorough grasp of the child's dilemmas as well as the remedies appropriate to his/her unique family system.

*Note: all gender references in this article are arbitrary and used only to facilitate expression. Please do not mistake any of the dynamics presented as specific to males or females.

1 Put the Child's Safety First
Allegations of abuse or neglect often arise in counterpoint to allegations of alienation. Revealing that the person whom you once publicly

We must listen carefully to children without allowing them to choose, confident that we are able to distinguish what a child needs from what she may want.

promised to “love, honor and cherish” is a monster can be at once validating and an excellent rationalization for the child’s rejection of her other parent. Statistics about the frequency of false allegations in these matters are irrelevant. Each allegation must be carefully evaluated so as to ensure the child’s safety, noting that case law precedent exists for those extreme cases when the preferred parent levies serial false allegations in an effort to lock one parent out of the children’s lives. (For example, see *Miller v. Todd*, NH Supreme Court No. 2009-806).

2 Taking a Break Doesn’t Work

Arguments that the child “just needs a break” or will resume contact

with the rejected parent “after she’s cooled off” are generally designed to obfuscate or avoid the issue. Absence does not make the heart grow fonder; it may be necessary and appropriate for contact to be briefer or supervised or mediated by a family systems therapist, but “taking a break” will generally make resuming contact that much more difficult. The old maxim about getting back on the horse after a fall is true.

3 Voice, not Choice

We must listen carefully to children without allowing them to choose, confident that we are able to distinguish what a child needs from what she may want. Children who feel like their voices have been heard are more

likely to comply with the court’s orders – even when those orders are contrary to their wishes. This is consistent with the United Nations’ Convention on the Rights of the Child, the Uniform Marriage and Divorce Act, and those jurisdictions that allow or require that the “mature minor” be heard with regard to his or her future care.

4 Fix the System, not the Individual or the Dyad

Psychotherapeutic interventions intended to repair ruptured parent-child relationships often fail because they are too narrowly defined. Because systems seek balance, interventions must simultaneously seek to disengage the enmeshed parent-child pair and re-engage the rejected parent-child pair. Parents’ significant others, extended family, children’s full-, half- and step-siblings often need to at least support – if not be actively involved in – the process.

Cont. on page 44

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Parental Alienation / Cont. from page 43

5 Anxiety can Cripple the System

Don't be misled by all of the anger, fear, and humiliation. It's all real, but it also overlays anxiety. Anxiety causes regression, compromises mature decision-making, and can make change impossible. Even if Mom has never said a negative word about Dad, Billy will still pick up on her anxiety about Dad – particularly when the two are face-to-face at transition. Any "reunification" or "reconciliation" intervention should include cognitive behavioral interventions to help all involved reduce anxiety so as to make relationship building easier and more time- and cost-efficient. Tried and true cognitive behavioral methods can be critical to the process.

6 Extreme Measures are Sometimes Necessary

In those instances in which a child's resistance to one parent and alliance with the other are deeply entrenched and without good reason, and particularly when conventional psychotherapies have failed, courts may entertain more dramatic interventions. Intensive camp-like experiences (such as "Overcoming Barriers", www.overcomingbarriers.org) can turn around some of the most recalcitrant dynamics. Abruptly placing the child in the rejected parent's primary or exclusive care has sometimes been successful when all else has failed, but it has also led sometimes to tragic outcomes.

7 Sometimes, the Rejected Parent has to Step Back and Wait

The children's rhyme got it right: sometimes even "All the king's horses and all the king's men/Couldn't put Humpty together again." The tragic reality is that some relationships cannot be repaired. Sometimes the rejected parent can do nothing but step back and let the child grow up, hoping that she will find her way back. This parent may need help



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to grieve the loss and to vent the rage. Individual psychotherapeutic support can be helpful so as to assure that the rejected parent remains present and available to the child without being intrusive in anticipation that – someday, somehow – parent and child will reconcile. ■

To access a “Recommended Reading” list of books and articles about parental alienation and polarized children, please see the end of this article at www.familylawyermagazine.com/articles/parental-alienation-help-polarized-child



Dr. Benjamin Garber is a licensed psychologist, parenting coordinator, and expert consultant to family law matters across North America.

A published author and acclaimed speaker, he frequently addresses professional audiences on subjects in child and family development and family law.
www.FamilyLawConsulting.org

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An interview with sociologist and family mediator Stanley Clawar discussing how family lawyers can identify and work with professionals to handle parental alienation cases.

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Calculating Present and Future Value in Divorce

You probably did not become a family lawyer because you loved to crunch numbers, but you should know how to perform basic present value and future value calculations. Here's a primer for attorneys.

By Harriett Fox, CPA, Forensic Accountant

You probably became a lawyer for the exact opposite reasons that I became a CPA: I could not fathom doing all that reading and writing, and you probably could not fathom dealing with numbers. You did not become an attorney because you wanted to spend the rest of your life crunching numbers – but a lot of the work you do as an attorney requires some knowledge of financial calculations.

Almost every lawsuit includes a financial component. In a divorce, the financial components include valuing marital and non-marital assets and liabilities, determining each spouse's income, and calculating spousal support (alimony) and child support. There may also be a closely-held business, stock options, or a pension that needs to be valued for inclusion in the marital estate. In non-family matters, the financial pieces can include calculating damages for insurance claims, personal injury, wrongful death, and tort actions to name a few.

A Grand Today is Better Than a Grand Next Year

Having \$1000 today is better than having \$1000 a year from now because you can use that \$1,000 to make money between now and next year. If you can

earn 10% interest, you will have \$1,100 a year from now. Put another way, the value of \$1,100 a year from now is equal to \$1,000 today. Expressed in financial terms, the present value of \$1,100 in one year, with a 10% discount (interest) rate, is \$1,000.

In divorces, the horizon is often longer than a year. For illustration purposes, we will use a five-year time-frame in our calculations. Using the same \$1,000 today, the following shows the future value of \$1,000 at 10% interest.

A Complicated Formula for an Uncomplicated Concept

It is simple to use a mathematical expression to calculate future values.

Instead of adding 10% interest each year, the factor of 1.1 is used to multiply the value of \$1,000 each year into the future. Calculating the value in 5 years at 10% interest is:

$$\text{\$1,000} \times (1.1) \times (1.1) \times (1.1) \times (1.1) \times (1.1)$$

or, using exponents from algebra:

$$\text{\$1,000} \times (1.1)^5$$

Expressed in financial terms:

$$\text{Future Value (FV)} = \text{Present Value (PV)} \times (1 + \text{interest rate (r)})^{\text{number of years (n)}}$$

$$\text{or } \text{FV} = \text{PV} \times (1 + r)^n$$

Let's look at an example of a future value calculation. If I buy a \$10,000 bond today that earns 10% interest with no payments until maturity, how much will



| 10% Interest | | \$100 | \$110 | \$121 | \$133 | \$146 |
|--------------|---------|---------|---------|---------|---------|---------|
| Value | \$1,000 | \$1,100 | \$1,210 | \$1,331 | \$1,464 | \$1,610 |

the bond be worth in three years? The formula to calculate the future value is:

$$FV = PV \times (1 + r)^n$$

$$FV = \$10,000 \times (1.1)^3$$

$$FV = \$10,000 \times 1.33$$

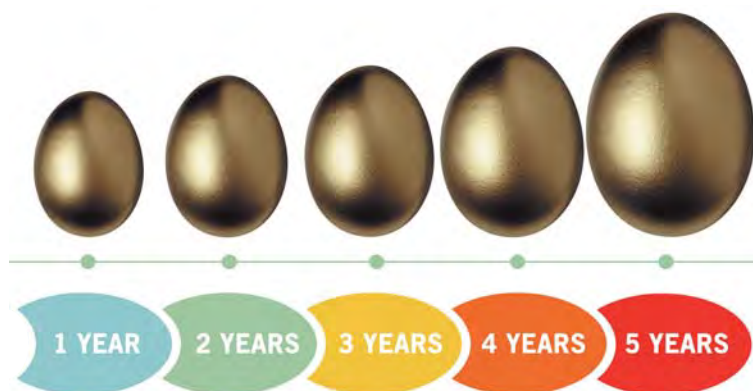
$$FV = \$13,300$$

Using this formula, it seems obvious that if the PV (the amount we start with) increases, then the FV will also increase. And, as long as the interest continues to accrue, the longer we hold the bond, the higher the FV of the bond will be. Finally, if the interest rate goes up, we will earn more interest on the initial \$10,000, and will, therefore, have a greater FV.

Reversing the Concept

Suppose instead of calculating the FV of a present amount, we want to find the PV of a payment in the future. Instead of multiplying the PV by an interest rate to calculate a FV, we divide the FV by a factor (discount rate) to calculate the PV.

The factors are derived from the interest rate. For 10% interest, the factors for the first five years are as



| | | | | | |
|----------------------------|-------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 10% Exponent factor | 1.10 | (1.1)² | (1.1)³ | (1.1)⁴ | (1.1)⁵ |
| 10% Interest factor | 1.10 | 1.21 | 1.33 | 1.46 | 1.61 |

follows:

Since the formula for FV (from earlier) is:

$$FV = PV \times (1 + r)^n$$

Using basic algebra, the PV is then:

$$PV = FV / (1 + r)^n$$

Let's look at an example of a present

value calculation. Suppose there is a marital certificate of deposit (CD), earning 10% interest, that matures in three years. It can be retitled from joint ownership to single ownership, but it

Cont. on page 48



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cannot be redeemed without a large penalty. Rather than wait for the CD to mature in three years so the couple can divide the proceeds, one party will take the CD in exchange for some other marital asset. To ensure a fair exchange, we have to calculate what the value is today on a CD that matures in three years. The formula to calculate the PV is:

$$\begin{aligned} PV &= FV / (1 + r)^n \\ PV &= \$10,000 / (1.1)^3 \\ PV &= \$10,000 / 1.33 \\ PV &= \$7,518 \text{ (rounded)} \end{aligned}$$

Annual Payments in the Future

So far, we have presented cases that are for single payments in the future. What if there are annual payments? How can you find the PV of multiple future payments?

The basic calculation is the same. The PV of each year's payment is calculated and summed to find the PV of the stream of payments. Suppose there are five annual payments of \$1,000. Each year's payment

| | 1 YEAR | 2 YEARS | 3 YEARS | 4 YEARS | 5 YEARS |
|----------------------------|----------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Payment | \$1,000 | \$1,000 | \$1,000 | \$1,000 | \$1,000 |
| 10% Exponent factor | 1.10 | (1.1)² | (1.1)³ | (1.1)⁴ | (1.1)⁵ |
| 10% Interest factor | 1.10 | 1.21 | 1.33 | 1.46 | 1.61 |
| PV of \$1,000 | \$909 | \$826 | \$752 | \$685 | \$621 |
| Cumulative Total | \$909 | \$1,735 | \$2,487 | \$3,172 | \$3,793 |

would be divided by the factor for that year. The calculation looks like this:

The PV of the five-year stream of payments is the sum of each of the values, or a total of \$3,793 for the five annual payments of \$1,000.

The Magic is in the Assumptions

Now that we know the formula for

calculating PV, what could be controversial about the calculations?

Let's see what happens when the basic variables are changed. The variables are:

PV – present value

FV – future value

r – interest rate

n – number of years in the future

Any one of the variables can be calculated when the other three values are known. The interest rate can be calculated if you know the PV, FV, and number of years. The number of years can be calculated knowing the PV, FV, and interest rate. But we're concerned with the PV calculation and how its factors impact the outcome.

Let's use the example from the single payment PV calculation, changing the variables one at a time.

To review: we have to calculate what the value is today, on a 10% CD that matures in 3 years. This is the calculation from above.

$$PV = FV / (1 + r)^n$$

$$PV = \$10,000 / (1.1)^3$$

$$PV = \$10,000 / 1.33$$

$$PV = \$7,518 \text{ (rounded)}$$

Now what happens when we change the variables?

Double the future value:

If the FV is \$20,000 instead of \$10,000, then the PV becomes:

$$PV = \$20,000 / (1.1)^3$$



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$$PV = \$20,000 / 1.33$$

$$PV = \$15,036 \text{ (rounded)}$$

As expected, the PV increases proportionately as the FV increases. When we double the FV, the PV also doubles.

Double the number of years:

If the FV stays at \$10,000 and the number of years is 6 instead of 3, what is the PV?

$$PV = \$10,000 / (1.1)^6$$

$$PV = \$10,000 / 1.77$$

$$PV = \$5,649 \text{ (rounded)}$$

The PV of \$10,000 is less the further into the future we go. But it is not proportional. In other words, by doubling the time horizon, the PV was not reduced by half.

Double the interest rate:

If the FV is \$10,000 and the number of years is 3, what if the interest rate is 20% instead of 10%?

$$PV = \$10,000 / (1.2)^3$$

$$PV = \$10,000 / 1.728$$

$$PV = \$5,787 \text{ (rounded)}$$

The PV of \$10,000 is less than the resulting \$7,518 from the original scenario. But it is not proportional. In other words, by doubling the interest rate, the PV was not reduced by half.

Halve the interest rate:

If the FV is \$10,000 and the number of years is 3, what if the interest rate is 5% instead of 10%?

$$PV = \$10,000 / (1.05)^3$$

$$PV = \$10,000 / 1.157$$

$$PV = \$8,643 \text{ (rounded)}$$

The PV of \$10,000 is higher than the resulting \$7,518 from the original scenario. With a lower interest rate, the resulting PV is higher, but again, not proportionately.

The explanations contained here are just the tip of the PV iceberg; there are many applications for using PV calculations. Ask your financial professional to explain the elements of the PV calculations used in your cases. You should question the assumptions he/she is using – especially the interest rate (discount rate), as it has a major effect

on the outcome. And you should always feel confident that your financial professional understands the calculations and isn't pulling results out of a hat. ■



With an MBA from MIT and a Masters in Accounting, Harriett Fox (CPA) specializes in complex financial analyses in divorce proceedings. She has served as an expert witness in numerous cases, and she is a Collaborative Financial Professional. www.harriettfoxcpa.com.

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Fairness and Economic Reality in Business Valuation

In order to be fair, the valuation expert's opinion must result in a "value" that is the cash equivalent of what the business owner could receive as of the agreed upon cut-off date.

By Charles F. Vuotto, Jr., Family Lawyer

The notion of fairness is the polestar for most professionals entrusted with the resolution of all issues that arise in a family law matter. That concept is no less applicable in the area of business valuation – however, an expert can only achieve fairness in business valuation incident to the dissolution of a marriage or other family-type partnership by basing his/her conclusions upon economic reality. Economic reality requires a conclusion of value based upon concepts of cash equivalency, so in order to be fair, the valuation expert's opinion and the court's ultimate decision must result in a "value" that is the cash equivalent of what the business owner could receive as of the date of the filing of the complaint for divorce or other agreed upon cut-off date for purposes of equitable distribution.

The true issue has been obscured by the debate over the standard of value, which sets the criteria upon which valuation analysts rely. An essential step in valuing a business is selecting and then applying the appropriate standard

of value, including: fair market value, fair value, intrinsic value, value to the holder, equitable distribution value, or some other standard. Applying the standard involves an assumption as to who will be the buyer and who will be the seller in the hypothetical or actual sales transaction regarding the assets at issue.

Debating Standard of Value

In *Brown v. Brown*, 348 N.J. Super (App. Div. 2002), the court concluded that the appropriate standard was "fair value" as opposed to "fair market value." Fair value is a legislatively determined valuation standard applied under N.J.S.A. 14A:11-3(2); fair market value is defined as the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts. (IRS Regulation 20.2031-1).

In his article "Value to the Holder, Not Fair Market Value, is the Correct Standard to Value a Professional Practice

in New Jersey", Frank Louis, Esq. noted that Brown adopted fair value notwithstanding the Supreme Court's admonition, albeit in a footnote, that using corporate statutory remedies may not be applicable in a divorce.

Fairness and Economic Reality

Instead of debating the standard of value, the focus should be on fairness and economic reality.

The most common public policy underlying equitable distribution is a recognition that a marriage is a partnership whose assets should be shared in an equitable fashion. Therefore, with all of the foregoing considered, the appropriate standard that will implement a public policy of fairness in rendering equitable distribution based on economic reality should be as follows:

A non-titled spouse should be entitled to fairly share in the economic value of a business legally or beneficially acquired during the marriage. This value shall be defined as that which the owner could receive at a

point in time from market participants (i.e., potential willing buyers) after both parties have considered and analyzed all of the relevant facts. This amount would be the cash equivalent subject to equitable distribution at the appropriate termination date.

The goal of this standard is to fairly compensate and not put an undue burden on the non-titled spouse. Intended to reflect economic reality, this standard is based on the assumption that the asset's cash equivalent reflects the value of the titled spouse's interest in the business and will require distribution of nothing more than what the owner could expect to receive from market participants. ■



Charles F. Vuotto, Jr., Esq. is managing partner of Tonneman, Vuotto, Enis & White, based in Cedar Knolls and Matawan, NJ. Certified by the NJ Supreme Court as a

Matrimonial Law Attorney, he is also an AAML Fellow. He wishes to thank Leslie M. Solomon (CPA, ABV, ASA) for his invaluable assistance with this article. www.tvelaw.com

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Every Call is Gold: 4 Steps to Converting Leads into Clients

By Chris Mullins, Practice Consultant

Most firms don't even say the word "sales" at all in their business for fear its current team, including attorneys, will be offended. For those who think sales is a dirty word, it may be time to adjust your thinking. The words you and your team should get used to if you want your practice to grow and thrive are: sales, inspection, and script.

Many firms lose good leads because their staff lacks the training to properly qualify and engage with callers in a meaningful way. The focus should be on all points of communication with inbound phone calls from prospective clients, as well as live webchat communication, opt-ins, outbound prospect

phone calls, and phone calls from clients. Every communication moment with prospects and clients are sales moments. ■



Chris Mullins offers a four-step guide to converting leads into clients by "inspecting what you expect" (monitoring calls from leads and providing feedback to your team about how they handled those calls) and protecting your brand. She points out that this is your "marketing insurance protection plan" for the thousands of dollars you're spending on marketing to get those leads. To read the full article, go to: www.familylawyermagazine.com/articles/converting-leads-into-clients

Retirement Accounts in Divorce: Four Common Questions

By Pam Friedman, Divorce Financial Analyst

The valuation and division of retirement accounts is a complex process – in part because of the always changing tax rules and legislation. When retirement accounts are involved in a divorce, it's important to work with a financial professional who's experienced in dividing accounts strategically and avoiding unnecessary costs.

A tax-free division is possible, but each plan or account has different requirements. Without the right process, clients may be subject to significant taxes, penalties, expenses, and ultimately an un-equitable division.

While the division of marital



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property is generally governed by state domestic relations law, any assignments of qualified retirement interests – for example, a 401(k) plan or pension plan – must also comply with Federal law.

The most common error that triggers taxes is a withdrawal of account resources before age 59.5. With limited exceptions, the withdrawal incurs taxes and a 10% penalty. ■



Pam Friedman outlines some key issues family lawyers should keep in mind when their clients' retirement accounts are being divided – including tax implications and IRS penalties. To read the full article, go to: www.familylawyermagazine.com/articles/retirement-accounts-in-divorce-four-common-questions

Why Non-Litigating Parents Should Be Required to Take Parent Education

By Dr. Donald Gordon, Clinical Child Psychologist

Whether divorcing parents are going through a contested or uncontested divorce, most courts will require them to go through a parent education program. As a family law practitioner, you have the ability to refer your clients to an education program that is superior to what the court orders – allowing your clients and their children to experience less conflict throughout the divorce process.

The reasons all parents need a good parent education program include:

- Lack of experience dealing with one of life's most stressful events.
- They unwittingly involve their kids in loyalty conflicts.
- Learning how to communicate effectively and respectfully with their co-parent.
- Preventing the nonresidential parent from dropping out of the children's lives.

- Increased parental involvement and cooperation, and improved children's outcomes.

Ultimately, by reducing conflict between your client and the other parent, your stress levels will decrease – allowing you to create solutions that meet the children's best interests in an effective and efficient way. ■



Dr. Gordon outlines how a good parent education program benefits all individuals involved in the divorce – including you, the attorney. To read the full article, go to: www.familylawyermagazine.com/articles/non-litigating-parents-education

Identifying Off-Balance Sheet Assets During Business Valuation

By Matthew Krofchick, Business Valuator

The most important step in valuing a business is to take the time and ask the right questions to truly understand the underlying business. Unfortunately, a valuator could easily go through the exercise of churning out a value estimate without bothering to take that most important step.

Not all companies will have off-balance sheet assets, but those that do may be quite valuable. The good work you put in interviewing a client, asking the right questions, understanding the industry in which the company operates, and doing your research will help you identify these assets in the first place. Once the off-balance sheet assets is identified, the next step is determining the value of this asset and see how that impacts the overall value of the subject company.



Matthew Krofchick notes that he has had a number of cases in which he has been asked to evaluate and critique the valuation reports other valuers had prepared on behalf of one of

the separating spouses. This article summarizes the salient points of two such cases, and discusses the one shortcoming that each report shared: they missed the business's off-balance sheet assets. To read the full article, go to: www.familylawyermagazine.com/articles/identifying-off-balance-sheet-assets

Taking the Leap – Why Become Collaborative

By Betty Gabrielle, Family Lawyer

When I first started practicing, one of the partners in my firm steered his practice solely to Collaborative Law. My interest was piqued, but I felt that I needed to spend time in the trenches to understand the desire to avoid litigation altogether.

A decade later, my interest was piqued again. I was both intrigued and apprehensive: I did not want my clients to feel like they were capitulating. I was supposed to be their voice, their protector. How does one do that collaboratively? And why do I need a course to do this? I can practice collaboratively – it's easy, just be nice!

Because I was opining from a place of ignorance, I decided to take the leap and attend an Introduction to Collaborative Practice course being taught by some of the top practitioners in the field. The opportunity was perfect, and after two full days of attending the introductory course, I drank the Collaborative Kool-Aid! ■



In this article, Betty Gabrielle reflects on her experiences with the Collaborative process. As someone who spent countless years inside the courtroom representing clients, she offers valuable insights to family law attorneys considering certification in this ADR method. To read the full article, go to: www.familylawyermagazine.com/articles/taking-the-leap-collaborative

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5 Create a Great Website and Online Reputation

The biggest tool for marketing yourself online is your website. Make sure it is an asset and not a liability! If your website has not been totally revamped in the past three years, it is likely out of date given the new technology. Most importantly, it needs to be mobile-friendly because more and more people are viewing websites on the go, and Google favors websites that are mobile-friendly. Of course, if your website was not created from a solid marketing positioning statement, it will not represent you powerfully to your desired prospective clients. A standard website could cost you business; you will never know how much, because those prospective clients may not even call you.

There are many improvements you could make to your website to attract the right kind of clients, but here is one big one: videos. Videos let your website visitors gain some insight into who you are, what you may be like to work with, and your level of expertise and passion. Don't just have a video that says how great you are; offer videos with useful information on topics that are important to your prospective clients.

How good is your online reputation? Do you have any social media pages? If we were to Google your name, will we see bad reviews about you? Will you show up at all? If you have not paid attention to your online reputation, start with a reputation audit.

6 Stand Out from Your Peers

If you want to land more desirable cases, you need to stand out from your peers who are going after the same types of clients you are. Being the best is obviously very important, but the world needs to see that you are the best, too.

One way to differentiate yourself and demonstrate your expertise is to present at state bar, AAML, and divorce-industry conferences. If you haven't spoken at these kinds of events, you need to do

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whatever it takes to join the elite group who does present.

Most people believe that if you are in the media, you must be an expert. You can get started by writing articles for publishers who produce print or online publications – such as *Forbes* or *HuffingtonPost.com* – or divorce-related publications and websites – such as *Family Lawyer Magazine*, *Divorce Magazine*, and *www.DivorcedMoms.com*. An article you write that appears on websites with millions of visitors like these will get you more marketing value than putting it on your own website to be seen by just a few.

These web pages will also become part of the Google search results when people Google your name. Most publishers do a much better job at promoting their websites than lawyers, and they welcome good content – as long as the topic is of interest to their readers.

7 Nurture Your Referral Sources

Without a doubt, referral is a key source of business – especially for high-end cases. But just because someone referred a case to you once does not mean they will do it again.

You need to work at being top of mind with your referral sources. Most family lawyers know how to network by being active with their local bar associations, attending conferences, and having lunches with referral sources. But when they are busy, networking often falls by the wayside.

With technology, you can reach a wider audience much faster and more regularly. For example, if a referral source of yours is often in the news, you can set up an alert to receive an email from Google whenever that

person is in the news. Then you can send an email of congratulations or a comment immediately to that person. You can send out a monthly newsletter to your clients, former classmates, or colleagues to keep yourself top of mind with them. Once set up, an electronic newsletter is inexpensive to produce and distribute. ■



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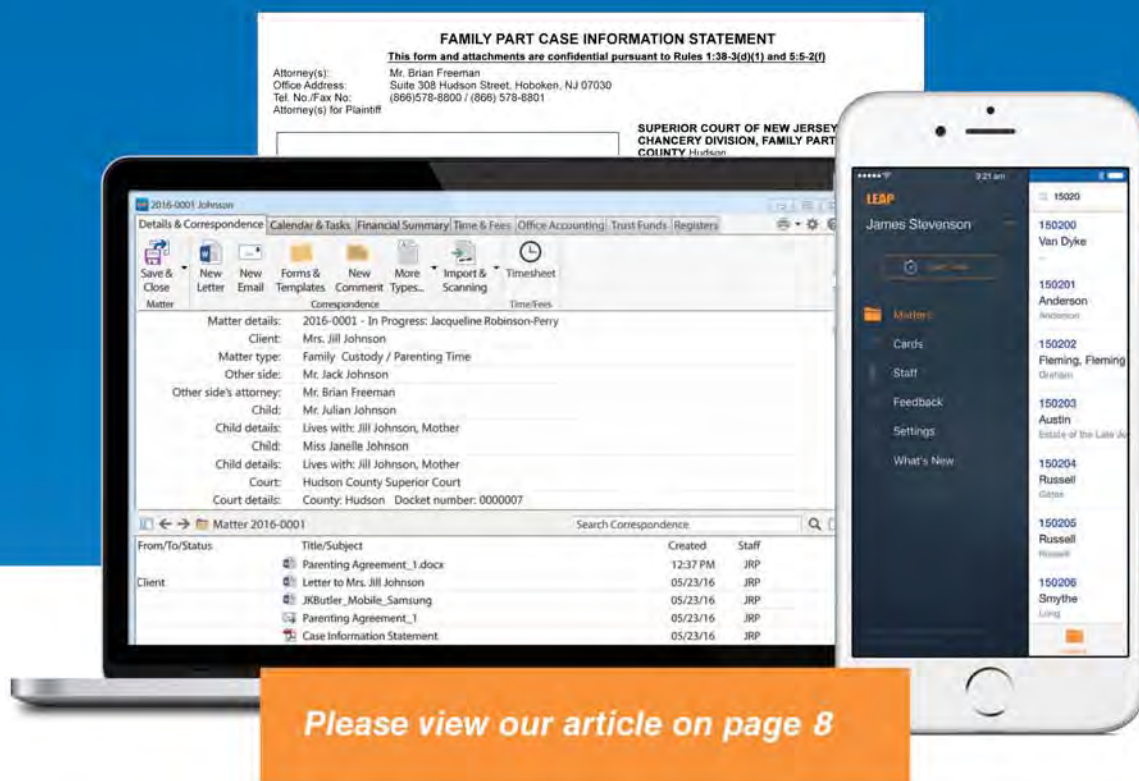
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