

Family Law and Dissolution of Marriage

The Firm considers that no field of law requires a broader knowledge, a higher standard of ethics, or a knowledge of human psychology and development, than family law, and in particularly those areas associated with divorce. The following areas and issues are frequently encountered in domestic relations cases:

1. **Property:** In divorce, the marital property needs to be fairly divided. Determination of what constitutes "property," whether it is "marital property," and how the marital property is valued, often present complex legal issues. The Firm has vast experience in all of these areas. The Firm has litigated the issue of whether stock options constitute "property" through the Colorado Supreme Court. In addition, The Firm has been involved in numerous cases involving the valuation of professional practices or businesses, real estate listings, and pension and retirement plans.
2. **Alimony:** Alimony is interrelated with property division. In many cases, issues can arise as to each spouse's income or potential income. The length of marriage also may affect an award of alimony. The importance in a given case as to whether alimony is modifiable or non-modifiable cannot be overstated. The Firm represents clients in post-divorce actions when a change in circumstances dictates that the original award has become unfair. Finally, alimony is also connected to the amount of child support.
3. **Children:** The children's needs are paramount. Attaining an appropriate time and parental responsibility division involves careful balance so as to ensure the children's best interests are served. Issues can arise when one parent desires to relocate to another state. The Firm explores whether deviation from the formulas for computing child support is appropriate. The Firm also handles adoption proceedings.
4. **Contracts:** The Firm has experience in drafting prenuptial contracts and litigating enforceability issues in a later divorce proceeding. Drafting separation agreements is an integral role in negotiating and resolving a case.
5. **Bankruptcy:** The effect of one spouse's filing for bankruptcy may have an impact on the provisions of the divorce. The bankruptcy filing may raise questions of discharging debts ordered or agreed to be paid in the divorce.
6. **Predivorce Planning:** How to plan in advance and how to protect a client from someone who may be planning in advance for a divorce.
7. **Method of Dispute Resolution:** How the circumstances suggest whether negotiation, mediation, arbitration, or court litigation are indicated in a case, and whether future issues need to be spelled out in detail or left to further dispute resolution.
8. **Taxes:** Use of careful tax considerations in benefiting both parties and the effect of various provisions, awards, and divisions on income taxes.

9. **Estate Planning:** Property projections and estate tax considerations and uses of trusts, limited partnerships and other legal modalities where beneficial for client or both parties.
10. **Appeal:** Whether something can be appealed often depends on how the matter is tried and the issues are framed. Experience in appellate work is essential. The Firm has successfully appealed numerous cases to the Colorado Court of Appeals and Colorado Supreme Court. Good advice on whether a case should be appealed, from a legal, economic, and emotional point of view, is necessary in order for the client to make an informed decision.

Ethical and Psychological Considerations

1. **General Ethics:** No area of law requires a greater standard of ethics than domestic relations. Many clients are emotionally and economically vulnerable during a divorce. Good lawyers scrupulously use the confidential relationship to further the client's interests.
2. **Dealing with Anger:** When clients are angry, good attorneys try to help them see things in perspective-- particularly when the parties to the divorce have children. Good lawyers pursue ends that are likely to do good for the client and dissuade the client from pursuing things that are only motivated by anger.
3. **Psychological Considerations:** In helping the client, a good attorney should have a working knowledge of normal and abnormal child development and normal and abnormal adult mental health. Good lawyers will cooperate with therapists or mental health workers when requested.
4. **Patience and Kindness:** All human beings require patience and kindness. Clients especially need these.

The Firm believes that its approach to family law, divorce litigation and resolution, and child considerations, offers a good service to clients.