

### **Problem 1: Getting an Accurate Diagnosis**

Hugh and Wendy are in their early 40's and still live in the same residence, although separately. Their two children are teenagers. About a year ago Wendy asked Hugh for a separation. Since that time Hugh has consistently pressured Wendy to do marriage counseling, but she has refused. Wendy is a corporate executive and makes over \$375,000 a year. Hugh calls her a "workaholic" and believes that she is having an affair with a subordinate. Wendy spends at least a week each month on corporate travel. Hugh is an elementary school teacher and makes \$58,000 a year. He has been the main caretaker for their two children, Chester, age 16, and Carla, age 14. Wendy wants an equal time schedule with the children and does not believe that either party should pay support to the other. Hugh does not want to discuss the terms of the divorce and believes that they should not separate while the children are in high school. If there is to be a separation, Hugh wants the children to stay with him in the marital home and a financial settlement based upon "everything that the law entitles him to."

### **Problem 2: Issues Regarding Disclosures**

Wanda and Henry are in their late 30's and have three children, ages 13, 9 and 7. Wanda has been a stay-at-home parent, but she now works 10 hours a week at hourly rates as a receptionist for a chiropractor. Henry has a job with a startup tech company and earned \$132,000 in his first 10 months with them 2015. He has done almost all of the financial management for the couple. Wanda believes that his 2017 income is quite substantial and also now consists of bonuses, commissions and stock options. Wanda has been putting her earnings into a savings account in her own name, and Henry believes that she has also put money there out of an inheritance from her uncle who died in 2005. Henry proposes that each party submit their W-2's for 2016 as the best evidence of their income. Wanda does not want to share information on her savings account because that is "hers."

### **Problem 3: Substantive and Emotional Problems**

Hector and Winifred have been divorced for about 3 years. Winifred had custody of their four children, ages 17, 15, 10 and 8. Under their agreement, Hector has been paying child support based upon the state guidelines. At the time of the divorce Winifred, who is a realtor, earned \$45,000 a year, and Hector, who was the manager of a car dealership, earned \$70,000. There was no spousal support. Hector now believes that Winifred is earning far more than he does. Winifred recently married a dentist who has two adult children of his own. She drives a 2016 Cadillac SUV. Three children are now spending one-third of their time with Hector, and Candice, the 15-year old, now lives with him. Hector filed a petition with the court to terminate child support and to require that Winifred pay him child support. The parties have already spent over \$10,000 each on attorney's fees fighting over Hector's petition. They finally decided to see a mediator.

#### **Problem 4: The Need to Involve Other Professionals**

Howard, who is 54, is a CPA and is an equity partner of a well-known international accounting firm. He earns \$650,00 a year. Wilona, who is 45, has been a stay-at-home parent during their entire 18-year marriage. For eight years prior to the marriage, Wilona taught Spanish in a private school and had a salary of \$48,000 in her last year at the school. In the early years of their marriage the parties struggled through a series of miscarriages until their only child, Carter, who is now 12, was born. Carter has ADHD. Howard has two adult children by his prior marriage, now 22 and 25 respectively, and Wilona believes the he has been giving them large sums of money in addition to spending lavishly on his relationship with a United Airlines flight attendant. Wilona has experienced occasional bouts of depression throughout the marriage and is very, very angry.

#### **Problem 5: The Roles of the Mediator**

This is a second marriage for Harrison, 57, and Wallis, 55. They have been married to each other for 9 years. Each has adult children. At the first session Wallis requests a private meeting with the mediator, and the parties agree that each of them can have such a meeting. Here is what the mediator learns in these private meetings: Wallis tells the mediator that Harrison, who owns his own hair styling studio, is hiding money in secret accounts and is not declaring his real income on their tax returns. Harrison wants the mediator to know that Wallis is having an affair with the principal of the public high school where she is a history teacher. Harrison claims that prior to the marriage he owned the home that they live in and that it has a substantial pre-marital equity. Wallis recounts using an inheritance to do substantial upgrades to their house. She says that Harrison thinks she is having an affair with her principal, but avers that they have not had sexual relations even though they recently took several overnight trips together.

#### **Problem 6: A Drafting Problem**

Be prepared to discuss the drafting problems that that this problem raises: Harold agrees to pay Whitney alimony of \$2,500 every other week, starting with his next paycheck. He also agrees to pay Whitney \$24,000 per year for the next two academic years to help her obtain a Master's degree. In 30 months the support will be readjusted in accordance with the following formula: 30% of Harold's income less 50% of Whitney's. Support will be subject to termination on the usual terms and in any event after 10 years, and modifiable for a material change in circumstances. Child support will be based upon the state guidelines and the marital home will be listed for sale in 60 days. If Whitney cohabits in a marriage-like situation, it will be treated as a change in circumstances. After some initial discussion, a sample draft will be provided.