Our case: The “Addams” Family

10-29-22

John and Mary Addams found their marriage ending after twelve years of marriage. At the time of the marriage John was 35 and owned his own successful business manufacturing and distributing industrial coatings. Mary was 30 and a registered nurse. After the wedding, Mary worked in a physician’s office for the first couple of years but did not work again following the birth of their first child, and soon gave up her nursing license. The couple have two children, their son, Jack, age 10 and Maria, age 6. Maria has speech delays and has been diagnosed as having autism. During the marriage, John’s business grew substantially.

The parties each chose a trained Collaborative lawyer and built a Collaborative team including a mental health professional and were working to find a financial professional.

In her first meeting with her lawyer, Mary tells her lawyer that she has been seeing a separate therapist but asks that Mary’s lawyer not disclose this fact to John or his lawyer. “It is my private business” she says. Does this present a different issue if she makes these statements to the mental health professional or the neutral financial professional?

#1

The team is struggling to identify a financial professional because Mary’s brother is a business partner to one of the financial professionals in the area and the other was on medical leave. It is proposed that a new financial professional who is a member of the local branch office of John’s national accounting firm serve as the financial professional for the matter.

#2

John and Mary entered into a Participation Agreement meeting all the requirements of Section 2.6 of the IACP Standards.

After the Participation Agreement was signed, the two lawyers asked the financial professional to develop a list of documents needed for the case to proceed. The financial professional asked for many documents related to the business.

John is angry at the volume of documents requested and argues that they are irrelevant. He states that Mary doesn’t even “want” the business and told him that. Meanwhile, John’s accountant provides some of the business details as requested but indicated that some tax filings were overdue and not available. Despite many requests and contacts with John and the business accountant, the financial details of the company have not been provided at the time of the next meeting.

#3

Both John and Mary are upset when the lawyers and financial professional want to reschedule the meeting to await the requested financial information. Both tell the team that they want to proceed.

Mary has discussed the business at length with her lawyer and even though her lawyer has consistently advised her of the likely value of the business and the substantial sums it could provide her, Mary continues to state that she does not want any part of the business. She feels that it is his business, and she is willing to give up the business, and just wants the family home as a part of the divorce settlement and wants to have the children placed with her, especially given Maria’s special needs.

Mary’s lawyer is concerned that Mary did not understand what she is trying to give up and that she will not have enough money to live in the lifestyle of the marriage or provide for the children consistent with John’s lifestyle and income. She is concerned that Mary’s proposed agreement is not reasonable.

John’s lawyer is concerned that Mary’s lawyer thinks he is participating in a cover up of the requested financial information and is very angry with John’s refusal to provide simple document requests.

#4

The parties each met with the mental health professional. Mary’s lawyer has shared her concerns about the reasonableness of Mary giving up any interest in the business with the team. Following Mary’s meeting with the mental health professional, the mental health professional calls Mary’s lawyer that she feels that Mary may be depressed and incapable of making good decisions.

#5

The parties decide to engage a child specialist to help with forming a parenting plan. The parties make significant progress and finally make a plan for the placement and decision making for the children. The plan specifies that the child specialist can come into assist in the event of the need for future decision making or help with the children’s issues. This plan is written up and made final as a partial Resolution of the case.

After a few more weeks of John not producing requested information, John terminates the process and Mary hires a litigation lawyer. Two years later, after a trial and during a pending appeal of property division and support, there are some child placement issues. Can the child specialist accept re-employment?

#6