

University of Missouri-Kansas City School of Law

UMKC School of Law Institutional Repository

Faculty Works

Faculty Scholarship

2001

High Income/High Asset Divorce: An Annotated Bibliography

Mary Kay Kisthardt

University of Missouri - Kansas City, School of Law

Nancy Levit

University of Missouri-Kansas City School of Law

Follow this and additional works at: https://irlaw.umkc.edu/faculty_works



Part of the [Law Commons](#)

Recommended Citation

Mary Kay Kisthardt & Nancy Levit, *High Income/High Asset Divorce: An Annotated Bibliography*, 17 *Journal of American Matrimonial Lawyers* 441 (2001).

Available at: https://irlaw.umkc.edu/faculty_works/196

This Article is brought to you for free and open access by the Faculty Scholarship at UMKC School of Law Institutional Repository. It has been accepted for inclusion in Faculty Works by an authorized administrator of UMKC School of Law Institutional Repository.

High Income/High Asset Divorce: An Annotated Bibliography

By

Mary Kay Kisthardt* & Nancy Levit**

This bibliography covers articles published after 1995 and A.L.R.s that have supplements published after 1995. In the interest of brevity, A.L.R. collections (the titles of which are usually self-explanatory) and articles concerning individual cases or single state's statutes are cited but not annotated.

INDEX

Athletes and Celebrities.....	442
Attorneys' Fees	443
Business Assets	444
Goodwill	446
Child Support	449
Educational Expenses.....	454
Dissipation of Assets	455
Educational or Professional Degree	456
Maintenance, Alimony, or Spousal Support	458
Media	461
Mediation	463
Pension and Retirement Benefits	465
Benefits.....	469
QDROS	469
Preuptial, Postnuptial, and Cohabitation Agreements	472
Property Division	476
Stocks	480
Tax Issues	481
Trusts	484
Valuation of Assets	487
Wealth	490

* Executive Editor, Journal of the American Academy of Matrimonial Lawyers.

** Edward D. Ellison Professor of Law, University of Missouri-Kansas City School of Law.

ATHLETES AND CELEBRITIES

Ann Bartow, *Intellectual Property and Domestic Relations: Issues to Consider When There Is an Artist, Author, Inventor, or Celebrity in the Family*, 35 *FAM. L.Q.* 383 (2001)(offering introductory material on the components of patents, copyrights, and trademarks, the basic elements of patent, copyright and trademark infringement and trademark dilution, the treatment of patents as personal property and copyrights as community property, and the valuation of both copyrights and patents).

Neil Caulkins, *A Fiduciary's Duties When a Celebrity Persona Is the Asset*, 24 *COLUM.-VLA J.L. & ARTS* 235 (2001)(presenting, principally in the context of estate matters, law on a celebrity persona as community property).

Paul L. Feinstein, *Creative Remedies for Problems of Short-Term High-Income Earners*, 17 *MATRIM. STRATEGIST* 7 (May 1999)(reviewing briefly several cases concerning the prospects of using a trust to secure child support, compelling a spouse to elect early retirement to pay alimony and child support arrearages, income averaging methods to reconcile high and low earning months, and the possibility of using different sets of guidelines for months the wage earner is employed in a high income occupation and months not so employed).

Katherine A. Kinser & R. Scott Downing, *Family Law Issues That Impact the Professional Athlete*, 15 *J. AM. ACAD. MATRIM. LAW.* 337 (1998)(explaining the factors determining whether courts construe contracts for athletic services and endorsement contracts to be divisible marital property).

Allen M. Parkman, *Human Capital as Property in Celebrity Divorces*, 29 *FAM. L.Q.* 141 (1995)(evaluating celebrity status and enhanced earning capacity as marital property).

Raj Rajan, *The Characterization of the Celebrity's Career in Divorce*, 11 *J. CONTEMP. LEGAL ISSUES* 251 (1997)(exploring two strategies for designating celebrity status as property, one based on heightened earning potential and the other based on goodwill).

Thomas C. Quinlen, *Planning for the Future Using Child Support Trusts to Prepare Both Father and Child for Life After Professional Sports*, 2 VAND. J. ENT. L. & PRAC. 108 (Winter 2000).

Alex Shukhman, *Show Her the Money: The California Court of Appeal's Mistake Concerning In re Marriage of Bonds*, 20 LOY. L.A. ENT. L. REV. 457 (2000) (California).

ATTORNEYS' FEES

Stewart Douglas Hendrix, Note, "*Better You Than Me*": *Shifting Attorney's Fees in Divorce Actions*, 34 U. LOUISVILLE J. FAM. L. 671 (1995-96)(surveying different jurisdictions' methods of shifting attorney's fees under the Uniform Marriage & Divorce Act, state statutes, and common law).

George R. Parker, Comment, *The Relevance of Evidence of a Client's Wealth in the Determination of Attorney's Fees*, 22 J. LEGAL PROF. 331 (1998)(covering several domestic relations cases, in addition to other kinds of cases, considering whether a party's wealth is a relevant factor in the award of attorney's fees, and concluding that attorney's fees are rarely appropriate in cases involving only compensatory damages).

Spending Marital Funds for Attorney's Fees, 15 EQUITABLE DISTRIBUTION J. 85 (Aug. 1998)(reviewing briefly cases concerning whether expenditure of funds for attorney's fees constitutes dissipation of marital assets).

Attorney's Fees—Bad-Faith Award Against Counsel, 15 EQUITABLE DISTRIBUTION J. 128 (Nov. 1998)(Florida).

Attorney's Fees—Payment from Marital Assets, 14 EQUITABLE DISTRIBUTION J. 12 (Jan. 1997)(Illinois).

Attorneys' Fees in Domestic Relations Cases, 26 U. MEM. L. REV. 1575 (1996)(Tennessee).

Austin B. Byrd, Comment, *Family Law—Alexander v. Inman: The Tennessee Court of Appeals Establishes Guidelines for Contingent Construction and Application of State Statute or Rule Subjecting Party Making Untrue Allegations or Denials to Payment of Costs or Attorneys' Fees*, 68 A.L.R. 3D 209 (1976, Supp. 2000).

Cynthia D. Cook, *Chapter 118: Paying Attorney Retainer Fees with Separate and Quasi-Community Property*, 31 McGEORGE L. REV. 493 (2000)(California).

Jane Massey Draper, *Enforcement of Claim for Alimony or Support, or for Attorneys' Fees and Costs Incurred in Connection Therewith, Against Exemptions*, 52 A.L.R. 5TH 221 (1997).

Jane Massey Draper, *Excessiveness or Adequacy of Attorney's Fees in Domestic Relations Cases*, 17 A.L.R. 5TH 366 (1994, Supp. 2000).

Chris Haaff, *Marriage Act Not Exclusive Remedy to Recover Attorney Fees in Dissolution Actions*, 84 ILL. B.J. 486 (Sept. 1996) (Illinois).

Thomas R. Malia, *Right to Attorneys' Fees in Proceeding, After Absolute Divorce, for Modification of Child Custody or Support Order*, 57 A.L.R. 4TH 710 (1987, Supp. 2000).

Andrea G. Nadel, *Authority of Divorce Court to Award Prospective or Anticipated Attorneys' Fees to Enable Parties to Maintain or Defend Divorce Suit*, 22 A.L.R. 4TH 407 (1983, Supp. 2000).

Gary A. Perotin, *Attorney Fees in Family Law*, 43 ORANGE COUNTY LAW. 44 (July 2001)(California).

Melinda J. Seeds, *Bromhal v. Stott: Revisiting the Court's Role in Separation Agreements in the Context of Attorneys' Fees*, 74 N.C. L. REV. 2151 (Sept. 1996)(North Carolina).

Jesse R. Walters, Jr., *A Primer for Awarding Attorney Fees in Idaho*, 38 IDAHO L. REV. 1 (2001)(Idaho).

Cara Yates, *Validity, Construction, and Application of Provision in Separation Agreement Affecting Distribution or Payment of Attorneys' Fees*, 47 A.L.R. 5TH 207 (1997).

Angela Zielinski, Comment, *Attorney Fees as Necessaries of Life: Expanding a Domestic Violence Victim's Access to Safety and Justice*, 60 MONT. L. REV. 201 (1999)(Montana).

BUSINESS ASSETS

Alicia Brokars Kelly, *The Marital Partnership Pretense and Career Assets: The Ascendancy of Self over the Marital Community*, 81 B.U. L. REV. 59 (2001)(tracing competing theories of mar-

riage—marriage as partnership and as solitary individualism—and showing how the majority of courts treat one party's enhanced career as that party's property while diminishing the value of domestic labor as a career enhancing investment).

Donald W. Kossow, *Tax Consequences of Cashing-Out a Spouse's Interest in a Family Corporation During a Divorce*, 18 *EQUITABLE DISTRIBUTION J.* 25 (Mar. 2001)(reviewing recent tax court decisions and IRS rulings regarding the tax treatment of division of a family corporation's assets, and offering suggestions as to redemption and tax indemnification agreements and avoiding personal guarantees).

Evelyn Alicia Lewis, *When Entrepreneurs of Commercial Non-profits Divorce: Is It Anybody's Business? A Perspective on Individual Property Rights in Nonprofits*, 73 *N.C. L. REV.* 1761 (1995)(urging that when a divorcing spouse is a controlling manager of a nonprofit corporation the corporation's value should be a divisible asset).

Nathan R. Long, Comment, *Community Characterization of the Increased Value of Separately Owned Businesses*, 32 *IDAHO L. REV.* 731 (1996)(noting that while the rules regarding division at dissolution of increased value from separately owned businesses are well established, courts reach radically different results when applying the same rules.)

Denise Roy, *Getting Out of a Business—Tax Costs and Opportunities in Exiting a Closely Held Business*, 22 *WM. MITCHELL L. REV.* 1281 (1996)(exploring the differing tax consequences of selling to third parties, selling to the remaining owners, and having the business purchase the interests of an owner who wants to leave an ongoing closely held business).

Donna A. Schneider, Note, *Attorneys' Divorces: Are Their Pending Contingency Fee Cases Marital Assets or Not?*, 37 *BRANDEIS L.J.* 829 (1998-99)(discussing the split among courts regarding whether an attorney spouses's contingency fee cases are marital assets subject to division at dissolution, and considering state statutes on the issue, as well as valuation problems).

Brett R. Turner, *Valuation of Businesses in Divorce Cases: An Annotated Survey of Methods*, 10 *DIVORCE LITIG.* 1 (Feb.

1998)(summarizing the IRS guidelines for valuing close corporations, covering assessments regarding different portions of a business (such as the physical assets and accounts receivable), considering a businesses' book value and liabilities, contemplating methods for attaching a monetary value to goodwill (such as the excess earnings approach, the comparable sales approach, and subjective estimation methods), and presenting ways of assessing the going concern value of a business).

Jeffrey L. Rehmeyer II, Comment, *Guide to Valuing Professional Partnership Interests for Purposes of Equitable Distribution of Marital Assets Pursuant to Pennsylvania Law: Interpreting and Applying Partnership Agreements*, 101 DICK. L. REV. 489 (1997)(Pennsylvania).

Lee R. Russ, *Divorce: Order Requiring That Party Not Compete with Former Marital Business*, 59 A.L.R. 4TH 1075 (1988, Supp. 1999).

Lee R. Russ, *Spouse's Right to Discovery of Closely Held Corporation Records During Divorce Proceeding*, 38 A.L.R. 4TH 145 (1985, Supp. 1999).

Sonja A. Soehnel, *Divorce: Propriety of Property Distribution Leaving Both Parties with Substantial Ownership Interest in Same Business*, 56 A.L.R. 4TH 862 (1987, Supp. 2000).

Valuation of Closely Held Stock For Federal Estate Tax Purposes Under § 2031(B) of Internal Revenue Code of 1954 (26 U.S.C.A. § 2031(B)), and Implementing Regulations, 22 A.L.R. FED. 31 (1975, Supp. 2000).

Dag E. Ytreberg, *Evaluation of Interest in Law Firm or Medical Partnership for Purposes of Division of Property in Divorce Proceedings*, 74 A.L.R. 3D 621 (1976, Supp. 1999).

Goodwill

Michael W. Kalcheim, *Expert Testimony and Valuing Goodwill at Divorce*, 88 ILL. B.J. 652 (Nov. 2000)(distinguishing between personal and enterprise goodwill, reviewing cases regarding the qualification of valuation experts, and explaining the market, income, asset, and capitalization of excess earnings approaches to valuation of goodwill).

Alicia Brokars Kelly, *Sharing a Piece of the Future Post-Divorce: Toward a More Equitable Distribution of Professional Goodwill*, 51 RUTGERS L. REV. 569 (1999)(suggesting that courts have been mistakenly using the concept of saleable or business goodwill in the dissolution context, and instead should recognize that in the divorce context personal goodwill represents one spouse's investment in the other's career, which should result in the award of "a percentage ownership interest in the future income stream of the business" that the goodwill has generated).

Shari Lutz, *Valuing Goodwill: Factors to Consider and Sources of Information*, 27 COLO. LAW. 45 (Dec. 1998)(surveying briefly factors considered in cases and IRS rulings regarding calculations of the value of goodwill, such as customer base, customer relations, earning power, nature, duration, and financial condition of the business, and patterns and sources of referrals; and recommending a source of information about goodwill in medical and dental practices, *The Goodwill Registry*).

Martin M. Shenkman, *When Should Professional Goodwill Be Valued?*, 15 MATRIM. STRATEGIST 1 (Mar. 1997)(arguing that cases indicate that only if goodwill is transferable from the professional spouse as a distinct business asset should it be divided as part of the marital estate).

Brett R. Turner, *Classifying and Valuing the Goodwill of a Franchise Business in a Divorce Case*, 11 DIVORCE LITIG. 157 (Aug. 1999)(suggesting that while franchise business goodwill (if it is realizable) is divisible in most states, it poses particular classification and valuation issues; discussing the factors that typically influence valuation, such as control over operations, control over advertising, business location, and relative earnings).

Randall B. Wilhite, *The Effect of Goodwill in Determining the Value of a Business in a Divorce*, 35 FAM. L.Q. 351 (2001)(exploring various definitions of goodwill (including a business' reputation, excess earnings, or liquidation value), sampling several states' (Arizona, California, Colorado, Illinois, Maryland, New Jersey, Pennsylvania, Texas, Utah, Washington, Wisconsin) approaches to the consideration of business goodwill as marital property, and suggesting that one of the most important features

of accurately assessing goodwill is selecting an appropriate capitalization rate).

Jon D. Brooks, Casenote, *Personal Goodwill in Illinois: Duplication of Section 503(D) of the IMDMA?*, 21 S. ILL. U. L.J. 335 (1997) (Illinois).

Thomas B. Egan, *Professional and Enterprise Goodwill Can Be Valued*, 16 FAIR\$HARE 7 (May 1996)(Illinois).

Martin J. McMahan, *Divorce and Separation: Goodwill in Accounting Practice as Property Subject to Distribution on Dissolution of Marriage*, 77 A.L.R. 4TH 645 (1989, Supp. 1999).

Martin J. McMahan, *Divorce and Separation: Goodwill in Law Practice as Property Subject to Distribution on Dissolution of Marriage*, 79 A.L.R. 4TH 171 (1990, Supp. 2000).

Martin J. McMahan, *Divorce and Separation: Goodwill in Medical or Dental Practice as Property Subject to Distribution on Dissolution of Marriage*, 76 A.L.R. 4TH 1025 (1989, Supp. 2000).

Martin J. McMahan, *Valuation of Goodwill in Accounting Practice for Purposes of Divorce Court's Property Distribution*, 77 A.L.R. 4TH 609 (1989, Supp. 2000).

Martin J. McMahan, *Valuation of Goodwill in Medical or Dental Practice for Purposes of Divorce Court's Property Distribution*, 78 A.L.R. 4TH 853 (1990, Supp. 1999).

S. David Rosenson, *Celebrity Goodwill—Is It Time?*, 32 BEVERLY HILLS B.A. J. 46 (Summer/Fall 1997)(California).

Robert C. Schlegel & Monty Woolsey, *Court Reverses Notion of Personal Goodwill as a Divisible Asset*, 17 MATRIM. STRATEGIST 1 (Aug. 1999) (Indiana).

Scott Singley, Comment, *Professional Goodwill: How Mississippi Produces an Inequitable "Distribution of Property Pursuant to Divorce by Excluding Professional Goodwill"*, 68 MISS. L.J. 1053 (1999) (Mississippi).

Catherine T. Smith, *Professional Goodwill: Two Community Property States Differ on its Characterization and Division*, 11 J. CONTEMP. LEGAL ISSUES 246 (2000) (California and Texas).

Sole Professional Practices—Goodwill, 15 *EQUITABLE DISTRIBUTION J.* 10 (Jan. 1998)(Indiana).

Andrew Z. Soshnick, *Valuing Business Goodwill in Marital Dissolution Actions: Boldly or Blindly Striving to Grab the Brass Ring From the Blue Sky?*, 39 *RES GESTAE* 16 (1995)(Indiana).

Peter M. Walzer & Edward Poll, *Goodwill Hunting: The Valuation of a Law Firm in a Divorce Proceeding Should Be Measured by Fair Market Value*, 23 *L.A. LAW.* 46 (Sept. 2000)(California).

Todd Wight, *Determination of Goodwill in Dissolution Proceedings: A Hypothetical*, 11 *J. CONTEMP. LEGAL ISSUES* 298 (2000)(California).

CHILD SUPPORT

Deborah Greenberg Baron, Comment, *The Many Faces of Child Support Modification*, 16 *J. AM. ACAD. MATRIM. LAW.* 259 (1999)(outlining the methods most often employed by states when there is a request for modification of an existing child support order).

Lewis Becker, *Spousal and Child Support and the “Voluntary Reduction of Income” Doctrine*, 29 *CONN. L. REV.* 647 (1997)(exploring how courts should balance the value of adequate child care with the interests of the other parent).

Catherine Moseley Clark, Comment, *Imputing Parental Income in Child Support Determinations: What Price for a Child’s Best Interest?*, 49 *CATH. U. L. REV.* 167 (1999)(explaining how state courts have been unsuccessful in articulating or applying a consistent approach to achieving the “best interests of the child” in relation to children’s emotional, as well as financial needs).

The Effect of the Support of Stepchildren and Children of a Previous Marriage on Equitable Distribution, 17 *EQUITABLE DISTRIBUTION J.* 49 (May 2000)(exploring whether a spouse is entitled to a credit for the support of the other spouse’s children during the marriage.)

Paula Woodland Faerber, *Empirical Study: A Guide to the Guidelines: A Longitudinal Study of Child Support Guidelines in the United States*, 1 *J.L. & FAM. STUD.* 151 (1999)(reporting on a

study of different states' approaches to determining the guideline amount and standards for deviating from it).

William R. Fatout, *Collecting Child Support from a Decedent's Estate*, 44 RES GESTAE 22 (Feb. 2001)(reviewing the law in areas where a decedent's property may be used for child support).

Marsha Garrison, *Child Support Policy: Guidelines and Goals*, 33 FAM. L.Q. 157 (1999)(presenting directives from Congress and state adopted numerical guidelines pursuant to which support awards are calculated).

Tim Graves, *Child Support Guidelines Encourage Forum Shopping*, 37 DUQ. L. REV. 287 (1999)(discussing the 1974 Family Support Act requirements for states' continued receipt of funds for Aid to Families with Dependent Children).

Leslie Joan Harris, *The Proposed ALI Child Support Principles*, 35 WILLAMETTE L. REV. 717 (1999)(addressing the 1998 American Law Institute (ALI) child support principles, and concluding that they deal with the substance of child support guidelines rather than enforcement techniques).

Ronald K. Henry, *Child Support at a Crossroads: When the Real World Intrudes upon Academics and Advocates*, 33 FAM. L.Q. 235 (1999)(discussing the need for child support reform and the stereotype of the "deadbeat dad").

Elizabeth Zarek Jorgenson, Comment, *Forcing the Heir to Share: The Effect of Cash Inheritance on Child Support Obligations*, 105 DICK L. REV. 289 (2001)(arguing that cash inheritance should not automatically be included as income when calculating child support obligations).

Judith G. McMullen, *Prodding the Payor and Policing the Payee: Using Child Support Trusts to Create an Incentive for Prompt Payment of Support Obligations*, 32 NEW ENG. L. REV. 439 (1998)(arguing that the time has come for courts to routinely use child support trusts as a mechanism for increasing the incentive of noncustodial parents to make court-ordered child support payments).

Judith G. McMullen, *The Professional Athlete: Issues in Child Support*, 12 MARQ. SPORTS L. REV. 411 (2001)(suggesting that while courts make some efforts to protect a paying parent from a

greedy custodial parent seeking a windfall for herself, generous support orders to advance the best interests of the child can be expected whenever the paying parent's resources allow).

Mark Momijian, . . . *But Does It Really Keep on Giving? The Imputation of Gift Income in Calculating Child Support*, 16 *MATRIM. STRATEGIST* 1 (Mar. 1998)(exploring the difference between gift income made directly to a litigant versus gift income made directly to benefit the intended child).

Laura W. Morgan, *Child Support Guidelines and the High-Income Parent: The Use of the "Good Fortune Trust"*, 9 *DIVORCE LITIG.* 92 (May 1997)(concluding that high-income parents pose special problems in the determination of child support).

Laura W. Morgan & Mark C. Lino, *A Comparison of Child Support Awards Calculated Under States', Child Support Guidelines with Expenditures on Children Calculated by the U.S. Department of Agriculture*, 33 *FAM. L.Q.* 191 (1999)(comparing states' guidelines' regarding awards and expenditures on children).

Gregory M. Bartlett, *Setting Child Support for the Low Income and High Income Families in Kentucky*, 25 *KY. L. REV.* 281 (1998) (Kentucky).

Jo Michelle Beld, *Improving Child Support Guidelines in Minnesota: The "Shared Responsibility" Model for the Determination of Child Support*, 28 *WM. MITCHELL L. REV.* 791 (2001) (Minnesota).

Deborah H. Bell, *Child Support Orders: The Common Law Framework—Part II*, 69 *MISS. L.J.* 1063 (Spring 2000) (Mississippi).

Vicki Lynn Bell, *Alimony and Child Support Generally: Amend Child Support Calculations*, 12 *GA. ST. U. L. REV.* 169 (1995)(Georgia).

Charles T. Berry, *West Virginia Child Support Guidelines: The Melson Formula*, 97 *W. VA. L. REV.* 809 (1995) (West Virginia).

Marjorie A. Caner, *Support Provisions of Judicial Decree or Orders as Limit of Parent's Liability for Expenses of Child*, 35 *A.L.R. 5TH* 757 (1996, Supp. 1999).

Claudia Catalano, *Spouse's Right to Set Off Debt Owed by Other Spouse Against Accrued Spousal or Child Support Payments*, 11 A.L.R. 5TH 259 (1993, Supp. 2000).

Karen A. Cusenbary, *Decrease in Income of Obligor Spouse Following Voluntary Termination of Employment as Basis for Modification of Child Support Award*, 39 A.L.R. 5TH 1 (1996, Supp. 2000).

Karl A.W. Demarce, *Devaluing Caregiving in Child Support Calculations: Imputing Income to Custodial Parents Who Stay Home with Children*, 61 MO. L. REV. 429 (1996).

Laurie Dichiara, Note, *Heeding the Call of Cassano v. Cassano: The Need to Amend the Child Support Standards Act*, 17 PACE L. REV. 405 (1997) (New York).

Kelly M. Dodd, Comment, *Poor Little Rich Kids: Revising Wisconsin's Child Support System to Accommodate High Income Payers*, 83 MARQ. L. REV. 807 (2000).(Wisconsin).

Lisa Dukelow, *Child Support in North Carolina: What Is the State of the Law and How Did We Get Here?*, 22 N.C. CENT. L.J. 14 (1996)(North Carolina).

Thomas Paine Dunlap & Lawrence E. Leone, *Children of Fortune: High-Earning Entertainers May Be Able to Avoid the Use of the Statutory Guidelines When Calculating Child Support Payments*, 23 L.A. LAW. 37 (Apr. 2000).

Stephanie Giggetts, *Application of Child-Support Guidelines to Cases of Joint-, Split-, or Similar Shared-Custody Arrangements*, 57 A.L.R. 5TH 389 (1998).

Martha J. Hill & R. Jeffrey Johnson, *West Virginia's Child Support Guidelines*, 9 W. VA. LAW. 14 (1995)(West Virginia).

C. P. Jhong, *Change in Financial Condition or Needs of Parents or Children as Ground for Modification of Decree for Child Support Payments*, 89 A.L.R. 2D 7 (1963, Supp. 2000).

C. P. Jhong, *Remarriage of Parent as Basis for Modification of Amount of Child Support Provisions of Divorce Decree*, 89 A.L.R. 2D 106 (1963, Supp. 2000).

Kristine Cordier Kamezis, *Validity and Effect, as Between Former Spouses, of Agreement Releasing Parent from Payment of Child Support Provided for in an Earlier Divorce Decree*, 100 A.L.R. 3D 1129 (1980, Supp. 2000).

Laura W. Morgan, *Child Support Guidelines and the Shared Custody Dilemma*, 10 DIVORCE LITIG. 213 (Nov. 1998).

Laura W. Morgan, *Stock Options as Income for Purposes of Child Support*, 13 DIVORCE LITIG. 240 (Dec. 2001).

Misti N. Nelc, *Inequitable Distribution: The Effect of Minnesota's Child Support Guidelines on Prior and Subsequent Children*, 17 LAW & INEQ. 97 (1999)(Minnesota).

Richard E. Poley, *Calculating Income in Child Support Cases*, 25 COLO. LAW. 53 (1996)(Colorado).

Responsibility of Noncustodial Divorced Parent to Pay for, or Contribute to, Costs of Child's College Education, 99 A.L.R. 3D 322 (1980, Supp. 2000).

R. Mark Rogers, *Wisconsin-Style and Income Shares Child Support Guidelines: Excessive Burdens and Flawed Economic Foundation*, 33 FAM. L.Q. 135 (1999).

Genna Rosten, *Consideration of Obligor's Personal-Injury Recovery or Settlement in Fixing Alimony or Child Support*, 59 A.L.R. 5TH 489 (1998).

Barbara R. Rowe & Kay W. Hansen, *Child Support Awards in Utah: Have Guidelines Made a Difference?*, 21 J. CONTEMP. L. 195 (1995) (Utah).

Thomas J. Sasser & Rana Holz, *Child Support Myths and Truths: Exploring the Assumptions Underlying Florida's Statutory Guidelines*, 73 FLA. B.J. 58 (Oct. 1999)(Florida).

Todd R. Smyth, *Child Support: Court's Authority to Reinstitute Parent's Support Obligation After Terms of Prior Decree Have Been Fulfilled*, 48 A.L.R. 4TH 952 (1986, Supp. 2000).

Gary D. Spivey, *Income of Child from Other Source as Excusing Parent's Compliance with Support Provisions of Divorce Decree*, 39 A.L.R. 3D 1292 (1971, Supp. 2000).

Alan Stephens, *Divorce and Separation: Attributing Undisclosed Income to Parent or Spouse for Purposes of Making Child or Spousal Support Award*, 70 A.L.R. 4TH 173 (1989, Supp. 2000).

Support of Prior and Subsequent Families—Impact on Equitable Distribution Support of Prior or Subsequent Family as a Factor in Award, 15 EQUITABLE DISTRIBUTION J. 73 (July 1998).

Christopher Vaeth, *Consideration of Obligated Spouse's Earnings from Overtime or "Second Job" Held in Addition to Regular Full Time Employment in Fixing Alimony or Child Support Awards*, 17 A.L.R. 5TH 143 (1994, Supp. 2000).

Victoria Vazquez, Note, *Evaluation of the New York Child Support Standards Act: Have the Guidelines Really Made a Difference?*, 4 J.L. & POL'Y 279 (1995)(New York).

Jane C. Venohr & Robert G. Williams, *The Implementation and Periodic Review of State Child Support Guidelines*, 33 FAM. L.Q. 7 (1999).

Jay M. Zitter, *Excessiveness or Adequacy of Amount of Money Awarded for Alimony and Child Support Combined*, 27 A.L.R. 4TH 1038 (1984, Supp. 2000).

Jay M. Zitter, *Excessiveness or Adequacy of Money Awarded as Child Support*, 27 A.L.R. 4TH 864 (1984, Supp. 2000).

Educational Expenses

Judith G. McMullen, *Father (or Mother) Knows Best: An Argument Against Including Post-Majority Educational Expenses in Court-Ordered Child Support*, 34 IND. L. REV. 343 (2001). (arguing that the law should not force divorced parents to contribute to the post-majority education of their children because married counterparts are not subject to such a requirement.)

Maureen A. Shannon, Comment, *Postsecondary Educational Support Statutes: Promoting Equal Educational Opportunity by Creating an Equal Protection Problem*, 35 DUQ. L. REV. 683 (1997). (suggesting that states which impose a duty on divorced parents to pay college expenses have contravened federal financial aid schemes and have given children of divorced parents an unfair advantage over students from intact families.)

Lindsay E. Cohen, Note, *Daddy, Will You Buy Me a College Education? Children of Divorce and the Constitutional Implications of Noncustodial Parents Providing for Higher Education*, In *Re Marriage of Kohring*, 66 MO. L. REV. 187 (2001)(Missouri).

Jeffrey A. Muriceak, *Pennsylvania's Legislative Response to Blue v. Blue: Adult Children May See Green, But Do Both Parents and Children Have Reasons to Remain Blue?*, 99 DICK. L. REV. 477 (1995) (Pennsylvania).

Responsibility of Noncustodial Divorced Parent to Pay for, or Contribute to, Costs of Child's College Education, 99 A.L.R. 3D 322 (1980, Supp. 2000).

Steven M. Resnick, Note, *The New Jersey Legislature vs. The New Jersey Supreme Court: The Battle over Who Should Pay for Little Johnny's or Little Suzy's College Expenses*, 19 WOMEN'S RTS. L. REP. 193 (1998) (New Jersey).

Ruby B. Weeks, *Noncustodial Parent's Rights as Respects Education of Child*, 36 A.L.R. 3D 1093 (1971, Supp. 2000).

Charles F. Willson, Note, *But Daddy, Why Can't I Go to College? The Frightening De-Kline of Support for Children's Post-Secondary Education*, 37 B.C. L. REV. 1099 (1996) (Pennsylvania).

Jay M. Zitter, *Postsecondary Education as Within Nondivorced Parent's Child-Support Obligation*, 42 A.L.R. 4TH 819 (1985, Supp. 1999).

DISSIPATION OF ASSETS

Laura W. Morgan, *Positive Parenting and Negative Contributions: Why Payment of Child Support Should Not Be Regarded as Dissipation of Marital Assets*, 30 N.M. L. REV. 1 (2000)(maintaining that equitable distribution laws favor a parent who supports a stepchild more than one who supports that parent's own child from a prior relationship and urging that income used for child support for prior born children not be considered part of the marital estate).

Dissipation of Assets, 14 EQUITABLE DISTRIBUTION J. 22 (Feb. 1997)(Illinois).

Dissipation of Assets, 14 *EQUITABLE DISTRIBUTION J.* 82 (July 1997)(Florida).

Dissipation of Assets, 14 *EQUITABLE DISTRIBUTION J.* 128 (Nov. 1997)(Alaska).

Dissipation of Assets, 15 *EQUITABLE DISTRIBUTION J.* 117 (Oct. 1998)(Kentucky).

Dissipation of Assets, 16 *EQUITABLE DISTRIBUTION J.* 18 (Feb. 1999)(Kansas).

Dissipation of Assets, 18 *EQUITABLE DISTRIBUTION J.* 70 (June 2001)(Illinois).

Dissipation of Assets—Expenditure of Funds, 16 *EQUITABLE DISTRIBUTION J.* 71 (June 1999)(Arizona).

Dissipation of Assets—Family Business, 16 *EQUITABLE DISTRIBUTION J.* 53 (June 1999)(South Carolina).

Dissipation of Assets—Investment Losses and Money Management, 16 *EQUITABLE DISTRIBUTION J.* 78 (July 1999)(New York).

Dissipation of Assets—Investments, 15 *EQUITABLE DISTRIBUTION J.* 36 (Mar. 1998)(New York).

Dissipation of Property—Gambling, 15 *EQUITABLE DISTRIBUTION J.* 90 (Aug. 1998)(Iowa).

Lori D. Hall, *Dissipation of Marital Assets: How South Carolina and Other States Prevent and Remedy the Problem*, 10 *S.C. LAW.* 41 (May/June 1999)(South Carolina).

Stock Transfer—Dissipation of Assets, 17 *EQUITABLE DISTRIBUTION J.* 23 (Feb. 2000)(Indiana).

EDUCATIONAL OR PROFESSIONAL DEGREE

Joyce Davis, *Enhanced Earning Capacity/Human Capital: The Reluctance to Call It Property*, 17 *WOMEN'S RTS. L. REP.* 109 (1996)(tracing courts' refusals to consider one spouse's investment in the other's career—human capital—as property and the theories under which some courts have permitted compensation at dissolution for the investing spouse, including reimbursement, equitable restitution, quasi-contract, support, maintenance, alimony, rehabilitative alimony, and maintenance that acknowl-

edges future earning capacity; offering theoretical and practical reasons why enhanced earning capacity should be considered property).

Susan Etta Keller, *The Rhetoric of Marriage, Achievement, and Power: An Analysis of Judicial Opinions Considering the Treatment of Professional Degrees as Marital Property*, 21 VT. L. REV. 409 (1996)(offering a highly theoretical, but intriguing, deconstruction of the rhetorical devices in cases considering whether advanced degrees should be marital property).

Eric E. Lewis & Jeffrey W. Lippitt, *Valuing Intellectual Assets*, 9 J. LEGAL ECON. 31 (Spring-Summer 1999)(comparing methods of assessing the value of educational degrees, including comparing earnings streams with and without a degree, cost restitution of contributions toward the education itself, and costs to reproduce the degree or license).

Katherine Wells Meighan, *For Better or for Worse: A Corporate Finance Approach to Valuing Educational Degrees at Divorce*, 5 GEO. MASON L. REV. 193 (1997)(urging that the supporting spouse's contributions toward the other spouse's degree be viewed as a financial investment, analyzed not under matrimonial or tort principles, but under principles of corporate finance, with both debt and equity types of payments).

Whitney L. White, Note, *Diploma Dilemma: The Possibility of Double Recovery From Multiple Awards of the Licensed Spouse's Future Earning Capacity*, 35 U. LOUISVILLE J. FAM. L. 393 (1996-97)(focusing on the concern that the non-licensed spouse's contributions will be recompensed as double (or triple) recovery under the rubric of maintenance, a specific interest in the license, goodwill, and increased earning capacity).

Erik V. Wicks, Note, *Professional Degree Divorces: Of Equity Positions, Equitable Distributions, and Clean Breaks*, 45 WAYNE L. REV. 1975 (2000)(urging reimbursement for investments in the other spouse's professional degree based on the parties' expectations, covering several different valuation methods, and recommending a valuation method based on the market interest rate for debts).

Caroline B. Blitzer, Note, *McConathy v. McConathy: A Diploma, a Divorce, and a Dilemma*, 55 LA. L. REV. 973 (1995) (Louisiana).

W. Greg Merritt, Note, *The Diploma Dilemma: An Inequitable Result Under North Carolina's Equitable Distribution Statute—Kuder v. Schroeder*, 17 CAMPBELL L. REV. 361 (1995)(North Carolina).

Raj Rajan, *Medical Degree in Divorce: New York Versus California*, 11 J. CONTEMP. LEGAL ISSUES 240 (2000)(New York and California).

David Swartz, *Advanced Degrees Do Not Constitute Marital Property Subject to Equitable Distribution upon Divorce—Becker v. Perkins-Becker*, 669 A.2d 524 (R.I. 1996), 30 SUFFOLK U. L. REV. 589 (1997)(Rhode Island).

Michael G. Walsh, *Spouse's Professional Degree or License as Marital Property for Purposes of Alimony, Support, or Property Settlement*, 4 A.L.R. 4TH 1294 (1981, Supp. 2000).

Katherine M. Willis, Comment, *The True Value of an Education: The Texas Approach to Characterizing and Valuing a Professional Educational Degree upon the Dissolution of Marriage*, 31 TEX. TECH L. REV. 1117 (2000)(Texas).

MAINTENANCE, ALIMONY, OR SPOUSAL SUPPORT

Robert Kirkman Collins, *The Theory of Marital Residuals: Applying an Income Adjustment Calculus to the Enigma of Alimony*, 24 HARV. WOMEN'S L.J. 23 (Spring 2001)(remembering that the concept of setting child support awards by formula seemed an impossibility; today, it is a reality in each of the fifty states).

W. Jack Keiser, *Spousal Support in the New Millennium*, 78 MICH. B.J. 46 (Jan. 1999)(reviewing the current state of the law regarding spousal support).

John J. Michalik, *Divorce: Power of Court to Modify Decree for Alimony or Support of Spouse Which Was Based on Agreement of Parties*, 61 A.L.R. 3D 520 (1975, Supp. 2000)(questioning whether a court has the power to modify a decree for alimony or support when that decree has been based upon an agreement entered into by the parties prior to the divorce proceeding).

Laura W. Morgan, *Spousal Support in the Wealthy Family: Enough Is Not Enough*, 9 DIVORCE LITIG. 235 (Dec. 1997)(suggesting that a dominant wage earner cannot argue that just because the dependent spouse has “enough” to live on, that is, to maintain the marital standard of living, that he or she is entitled to no more).

Richard I. Zuber, *The Prepayment-of-Maintenance Conundrum: Traps for the Unwary*, 27 COLO. LAW. 85 (July 1998)(urging that since former clients exercise self-help in modifying a carefully drafted separation agreement, the prudent attorney would be well advised to consider including provisions in the separation agreement that address the frequently overlooked issue of prepayment of maintenance).

Charles J. Aldrich, Comment, *The Spousal Support Scheme in Ohio Under 3105.18: Trial Courts Have Too Much Judicial Discretion*, 22 OHIO N.U. L. REV. 815 (1996)(Ohio).

Diane M. Allen, *Divorced or Separated Spouse's Living with Member of Opposite Sex as Affecting Other Spouse's Obligation of Alimony or Support Under Separation Agreement*, 47 A.L.R. 4TH 38 (1986, Supp. 2000).

Ronald M. Bookholder, *Alimony/Spousal Support Alive and Awarded in Michigan*, 75 MICH. B.J. 642 (July 1996)(Michigan).

Nicole M. Catanzarite, Comment, *A Commendable Goal: Public Policy and the Fate of Spousal Support After 1996*, 31 LOY. L.A. L. REV. 1387 (1998).

M. L. Cross, *Change in Financial Condition or Needs of Husband or Wife as Ground for Modification of Decree for Alimony or Maintenance*, 18 A.L.R. 2D 10 (1951, Supp. 2000).

Russell G. Donaldson, *Power to Modify Spousal Support Award for a Limited Term, Issued in Conjunction with Divorce, So as to Extend the Term or Make the Award Permanent*, 62 A.L.R. 4TH 180 (1988, Supp. 2000).

Gary L. Hall, *Wife's Possession of Independent Means as Affecting Her Right to Alimony Pendente Lite*, 60 A.L.R. 3D 728 (1974, Supp. 2000).

Colleen Marie Halloran, Comment, *Petitioning a Court to Modify Alimony When a Client Retires*, 28 U. BALT. L. REV. 193 (1998) (Maryland).

Michele Ann Higgins, *Crews v. Crews: Never Underestimate the Difference a Lifestyle Can Make*, 23 WOMEN'S RTS. L. REP. 101 (2001)(New Jersey).

Victoria M. Ho & James F. Caudill, *Appellate Court Trends in Rehabilitative Alimony*, 72 FLA. B.J. 65 (Mar. 1998)(Florida).

Victoria M. Ho & Janeice T. Martin, *Appellate Court Trends in Permanent Alimony for "Gray-Area" Divorces*, 71 FLA. B.J. 60 (Oct. 1997)(Florida).

W. Jack Keiser, *Spousal Support in the New Millennium*, 78 MICH. B.J. 46 (Jan. 1999)(Michigan).

Nancy E. LeCroy, *Giving Credit Where Credit Is Due: North Carolina Recognizes Custodial Obligations as a Factor in Determining Alimony Entitlements*, 74 N.C. L. REV. 2128 (1996)(North Carolina).

John J. Michalik, *Divorce: Power of Court to Modify Decree for Alimony or Support of Spouse Which Was Based on Agreement of Parties*, 61 A.L.R. 3D 520 (1975, June 2000).

Michelle Murray, *Support Alimony as an Equalizing Force in Divorce*, 11 J. CONTEMP. LEGAL ISSUES 313 (2000)

Edward L. Raymond, Jr., *Divorce: Voluntary Contributions to Child's Education Expenses as Factor Justifying Modification of Spousal Support Award*, 63 A.L.R 4TH 436 (1988, Supp. 2000).

Kenneth Rigby, *The 1997 Spousal Support Act*, 58 L.A. L. REV. 887 (1998)(Louisiana).

Genna Rosten, *Consideration of Obligor's Personal-Injury Recovery or Settlement in Fixing Alimony or Child Support*, 59 A.L.R. 5TH 489 (1998).

Sally Burnett Sharp, *Step by Step: The Development of the Distributive Consequences of Divorce in North Carolina*, 76 N.C. L. REV. 2017 (1998).

Cynthia Lee Starnes, *Victims, Breeders, Joy, and Math: First Thoughts on Compensatory Spousal Payments Under the Principles*, 8 DUKE J. GENDER L. & POL'Y 137 (2001).

Alan Stephens, *Divorce and Separation: Attributing Undisclosed Income to Parent or Spouse for Purposes of Making Child or Spousal Support Award*, 70 A.L.R. 4TH 173 (1989, Supp. 2000).

Brett R. Turner, *The Effect of Artificially High and Low Marital Standards of Living on Spousal Support Awards*, 9 DIVORCE LITIG. 125 (July 1997).

Brett R. Turner, *Rehabilitative Alimony Reconsidered: The "Second Wave" of Spousal Support Reform*, 10 DIVORCE LITIG. 185 (Oct. 1998).

John C. Williams, *Propriety in Divorce Proceedings of Awarding Rehabilitative Alimony*, 97 A.L.R. 3D 740 (1990, Supp. 2000).

Gary L. Young, Jr., *Alimony as Affected by Recipient Spouse's Remarriage in Absence of Controlling Specific Statute*, 47 A.L.R. 5TH 129 (1997).

Jay M. Zitter, *Excessiveness or Adequacy of Amount of Money Awarded as Permanent Alimony Following Divorce*, 28 A.L.R. 4TH 786 (1984, Supp. 2000).

Jay M. Zitter, *Excessiveness or Adequacy of Amount of Money Awarded as Separate Maintenance, Alimony, or Support for Spouse Without Absolute Divorce*, 26 A.L.R. 4TH 1190 (1983, Supp. 2000).

Jay M. Zitter, *Excessiveness or Inadequacy of Lump-Sum Alimony Award*, 49 A.L.R. 5TH 441 (1997).

Jay M. Zitter, *Validity and Enforceability of Escalation Clause in Divorce Decree Relating to Alimony and Child Support*, 19 A.L.R. 4TH 830 (1983, Supp. 2000).

MEDIA

W. Thomas McGough, Jr., *Public Access to Divorce Proceedings: A Media Lawyer's Perspective*, 17 J. AM. ACAD. MATRIM. LAW. 29 (2001)(reviewing (and generally supporting) the rule that divorce proceedings are generally open to the public absent good cause, and covering some of the matters courts have held to con-

stitute good cause, such as embarrassment, humiliation, and harm to children).

Laura W. Morgan, *Strengthening the Lock on the Bedroom Door: The Case Against Access to Divorce Court Records on Line*, 17 J. AM. ACAD. MATRIM. LAW. 45 (2001)(surveying cases concerning limitations on access to divorce files, and maintaining that the files in divorce cases should be presumed to be private and that divorce court records should not be available on line).

Karen Rhodes, Note, *Open Court Proceedings and Privacy Law: Re-examining the Bases for the Privilege*, 74 TEX. L. REV. 881 (1996)(urging courts to revisit media privileges to publish matters in court proceedings and to expand tort liability for the publication of some matters of public record because of the absence of legitimate public interest in some deeply personal and acrimonious matters).

Lena Reed vanHoornbeek, Comment, *Protection from Paparazzi: Possible or Preposterous*, 17 ST. LOUIS U. PUB. L. REV. 203 (1997)(examining legal protections, such as various privacy tort causes of action, injunctions, and state harassment statutes, available to protect celebrities from overzealous photographers).

Gerald T. Wetherington, Hanson Lawton & Donald I. Pollock, *Preparing for the High Profile Case: An Omnibus Treatment for Judges and Lawyers*, 51 FLA. L. REV. 425 (July 1999)(offering comprehensive coverage of considerations in high scrutiny cases, including physical accommodations (for jurors and media), security guidelines, techniques to select an untainted jury, appropriate parameters for media and spectators, methods of minimizing publicity and protecting juror privacy, access to judicial proceedings, closure of court records, gag orders, and confidentiality of settlement agreements).

Closure of Equitable Distribution Proceedings, 15 EQUITABLE DISTRIBUTION J. 55 (May 1998)(Connecticut).

Carol A. Crocca, *Propriety of Exclusion of Press or Other Media from Civil Trial*, 39 A.L.R. 5th 103 (1996).

Randolph N. Jonakait, *Secret Testimony and Public Trials in New York*, 42 N.Y.L. SCH. L. REV. 407 (1998)(New York).

Patrick J. McNulty, *The Public Disclosure of Private Facts: There Is Life After Florida Star*, 50 DRAKE L. REV. 93 (2001).

Jennifer L. Rosato, *The Future of Access to the Family Court: Beyond Naming and Blaming*, 9 J.L. & POL'Y 149 (2000)(New York).

Eric W. Tiritilli, *You Never Call Me Anymore: Bartnicki v. Vopper and the Supreme Court's Abridgement of the Right of Privacy in Favor of the First Amendment Right of a Free Press*, 35 CREIGHTON L. REV. 729 (2002).

William K. Vogeler, *Public's Right to Know in Family Law Proceedings*, 41 ORANGE COUNTY LAW. 36 (May 1996)(California).

Kateri Walsh, *Engaging the Media: What Lawyers Should Know When Talking to Reporters*, 62 OR. ST. B. BULL. 9 (Oct. 2001)(Oregon).

MEDIATION

James J. Alfini & Catherine G. McCabe, *Mediating in the Shadow of the Courts: A Survey of the Emerging Case Law*, 54 ARK. L. REV. 171 (2001)(suggesting that courts have demonstrated an understanding of the mediation process, a sensitivity to the core values and principles of mediation, and a clear desire to further the general policy favoring settlement in deciding cases involving mediation process issues).

Richard Birke, *Mandating Mediation of Money: The Implications of Enlarging the Scope of Domestic Relations from Custody to Full Service*, 35 WILLAMETTE L. REV. 485 (1999)(detailing the national evolution of mediation in four stages).

Joanne Fuller & Rose Mary Lyons, *Mediation Guidelines*, 33 WILLAMETTE L. REV. 905 (1997)(exploring some issues that arise during mediation in domestic violence situations).

Mary Kay Kisthardt, *The Use of Mediation and Arbitration for Resolving Family Conflicts: What Lawyers Think About Them*, 14 J. AM. ACAD. MATRIM. LAW. 353 (1997)(exploring disadvantages, advantages of the process, and process characteristics with regard to mediation).

Craig A. McEwen, Nancy H. Rogers & Richard J. Maiman, *Bring in the Lawyers: Challenging the Dominant Approaches to Ensuring Fairness in Divorce Mediation*, 79 MINN. L. REV. 1317 (1995)(exploring the myths that surround the participation of lawyers in the mediation process and suggesting that lawyers' involvement enhances the likelihood of fair agreements.)

Lisa Parkinson, *Mediating with High Conflict Couples*, 38 FAM. & CONCILIATION COURTS REV. 69 (Jan. 2000)(arguing that models of mediation based on negotiation assume that participants can think and act rationally, whereas in reality, when individuals are overwhelmed by anger and pain, their capacity for reason and logic diminishes; and suggesting that mediators can use different kinds of nonverbal and verbal communication and surprise those who expect mediators to give them a stock response).

Mary F. Radford, *An Introduction to the Uses of Mediation and Other Forms of Dispute Resolution in Probate, Trust, and Guardianship Matters*, 34 REAL PROP. PROB. & TR. J. 601 (2000)(focusing on advantages and disadvantage of mediation in probate, trust, and guardianship matters, including emotional, fiduciary, and tax issues).

Connie J. A. Beck & Bruce D. Sales, *A Critical Reappraisal of Divorce Mediation Research and Policy*, 6 PSYCHOL. PUB. POL'Y & L. 989 (2000).

Ann L. Begler, *A Referral to Divorce Mediation: How Mediation Can Help Lawyers Deal with Divorce*, 3 LAWYERS J. 5 (Aug. 2001).

Bradley A. Coates, *Family Law Mediation*, 3 HAW. B.J. 6 (Sept. 1999)(Hawaii).

Anthony F. Cottone, *Questions and Answers About Divorce Mediation*, 43 R.I. B.J. 7 (June 1995)(Rhode Island).

Richard D. English, *Alternative Dispute Resolution: Sanctions for Failure to Participate in Good Faith in, or Comply with Agreement Made in, Mediation*, 43 A.L.R. 5TH 545 (1996, Supp. 2000).

Don C. Hammer & Debra Sudduth, *Preparing Your Clients for Parenting and Financial Mediation*, 88 ILL. B.J. 469 (Aug. 2000).

Harvey I. Hauer, *Making Mediation Work*, 19 FAM. ADVOC. 26 (1997).

Morris L. Medley & James A. Schellenberg, *Hoosier Attorneys Consider Mediation*, 39 RES GESTAE 40 (Feb. 1996)(Indiana).

Forrest S. Mosten, *Eleven Questions Most Commonly Asked About Mediation*, 17 FAIR\$HARE 5 (Sept. 1997).

Andrew Schepard, *An Introduction to the Model Standards of Practice for Family and Divorce Mediation*, 35 FAM. L.Q. 1 (2001).

Marietta Shipley, *Family Mediation in Tennessee*, 26 U. MEM. L. REV. 1085 (1996)(Tennessee).

Larry Spain & Kristine Paranica, *Considerations for Mediation and Alternative Dispute Resolution for North Dakota*, 77 N.D. L. REV. 391 (2001)(North Dakota).

Dan Trigoboff, *More States Adopting Divorce Mediation with Nonlawyer Mediators, Some Spouses Will Get Bad Deals, Critics Claim*, 81 A.B.A. J. 32 (Mar. 1995).

Allan Wolk, *Divorce Mediation: Today's Rational Alternative to Litigation*, 51 DISP. RESOL. J. 39 (Jan./Mar. 1996).

PENSION AND RETIREMENT BENEFITS

David L. Baumer & J. C. Poindexter, *Women and Divorce: The Perils of Pension Division*, 57 OHIO ST. L.J. 203 (1996)(suggesting that a determination of the fair market value of a common class of pension plans can be a complex exercise in forecasting, and can result in widely varying appraised values).

Carol V. Calhoun & Gregory L. Needles, *The Division of Pensions Across Borders*, 13 J. AM. ACAD. MATRIM. LAW. 211 (1996)(surveying the development of the law regarding the treatment of pensions in divorce in two jurisdictions which are representative of United States law and international law respectively).

William L. Carew, *Retirement Benefits in Divorce: Mixing, Matching, and Offsetting*, 29 COLO. LAW. 67 (June 2000)(discussing the marital foundation theory and three approaches to benefit distribution).

Employee Benefits—Federal Preemption, 14 *EQUITABLE DISTRIBUTION J.* 61 (June 1997)(examining the holding in *Boggs* and recent decisions from state courts on issues of federal preemption).

Jonathan Barry Forman, *Whose Pensions It Anyway? Protecting Spousal Rights in a Privatized Social Security System*, 76 *N.C.L. REV.*1653 (1998)(suggesting ways to protect spouses and surviving spouses under a privatized Social Security system).

James P. Jennings, *Determining the Expected Present Value of Defined Benefit Pension Plan Assets*, 52 *J. MO. B.* 9 (Jan./Feb. 1996)(exploring alternatives to determining the expected present value of the pension asset through the qualified domestic relations order (QDRO)).

Susan J. Prather, Comments, *Characterization, Valuation, and Distribution of Pensions at Divorce*, 15 *J. AM. ACAD. MATRIM. LAW.* 443 (1998)(discussing the characterization, valuation, and distribution of retirement pensions over the past decade).

Marvin Snyder, *Challenges in Valuing Pension Plans*, 35 *FAM. L.Q.* 235 (2001)(suggesting that three basic elements of a pension plan (benefit, contributions and value) must be properly identified).

Mark E. Sullivan, *Military Pension Division: Crossing the Minefield*, 31 *FAM. L.Q.* 19 (1997)(outlining issues, problems, and possible solutions in the division of military pensions under the Uniformed Services Former Spouses' Protection Act).

Alison Thomas, *Pensions: The Long March to Reform*, 34 *FAM. L.Q.* 209 (2000)(addressing the impact that pension sharing will have on financial settlements on divorce under English law).

W. Patrick Traynor & Arlene Jennings, *Protecting Your Pension Rights*, 18 *FAM. ADVOC.* 6 (Winter 1996)(answering various questions a client may have with regard to a QDRO).

Update on Pension Rights, 16 *EQUITABLE DISTRIBUTION J.* 1 (Jan. 1999)(summarizing appellate case law on a wide range of issues: classification issues; valuation issues; distribution issues; qualified domestic relations orders, or QDROs; postdivorce increases; other areas of dispute, including Social Security, "double dipping," and survivor benefits).

Carol C. Brown, *Alice in ERISA-Land: Rights of Spouses and Children Under ERISA*, 40 B. B.J. 4 (Sept./Oct. 1996).

Norm Cairns, Note, *Community Property—New Mexico Changes the Method of Allocation Future Pension Benefits Between Divorcing Spouses: Ruggles v. Ruggles*, 25 N.M. L. REV. 249 (1995) (New Mexico).

Major Fenton, *North Carolina Changes Vesting Requirements for Division of Pension*, 1998 ARMY LAW. 31 (Feb. 1998)(North Carolina).

Richard Friedling, *Dividing Combined Federal Pensions: Protections, Limitations*, 14 MATRIM. STRATEGIST 1 (Oct. 1996).

Sandor Goldstein, *Put Your Actuary to Work*, 24 FAM. ADVOC. 26 (Fall 2001).

Lee Hargrave, *Community Property Interests in Individual Retirement Accounts*, 55 LA. L. REV. 509 (1995).

Maria P. Imbalzano & Robert J. Durst II, *Evaluating Deferred Equitable Share of Employee Spouse's Pension*, 17 MATRIM. STRATEGIST 6 (Sept. 1999).

E. James Jennings & Jonathan Furdek, *When Is a Pension Evaluation Worth the Paper It Is Written On?*, 41 RES GESTAE 24 (Mar. 1998).

Robert W. Jones, *How the Existence of a Defined Benefit Pension Can Be Detrimental to the Nontitled Spouse*, 19 MATRIM. STRATEGIST 5 (Aug. 2001).

Denise Lamaute, *Retirement Benefits in Divorce*, 10 NBA NAT'L B.A. MAG. 29 (May/June 1996).

Brad M. LaMorgese & Robert E. Holmes, Jr., *Division of Retirement Benefits: The Impact of Federal Preemption on Women in Texas*, 7 TEX. J. WOMEN & L. 207 (1998) (Texas).

George V. Launey, *Pension Valuation Revisited*, 41 RES GESTAE 36 (May 1998).

Goodwin Liu, *Social Security and the Treatment of Marriage: Spousal Benefits, Earnings Sharing, and the Challenge of Reform*, 1999 WIS. L. REV. 1.

Charles C. Marvel, *Pension or Retirement Benefits as Subject to Award or Division by Court in Settlement of Property Rights Between Spouses*, 94 A.L.R. 3D 176 (1979, Supp. 2000).

Military Disability Retirement Pay, 17 EQUITABLE DISTRIBUTION J. 118 (Oct. 2000).

Anne E. Moss, *Dividing Individual Retirement Accounts in Divorce*, 15 FAIR\$HARE 10 (July 1995).

Allison A. Page, Note, *Premarital Consent to Waiver of Spousal Pension Benefits: A Proposal to Equalize Prenuptial "I Do" and Postnuptial "I Do,"* 47 WASH. U. J. URB. & CONTEMP. L. 157 (1995).

Pensions—Ambiguous Provision of Settlement, 17 EQUITABLE DISTRIBUTION J. 42 (Apr. 2000).

Pension Update: Update on Retirement Benefits, 14 EQUITABLE DISTRIBUTION J. 13 (Feb. 1997).

Roseanna L. Purzycki, *Taking Stock of Golden Parachutes Tax Options for Qualified and Nonqualified Plans*, 20 FAM. ADVOC. 38 (Spring 1998).

Mary Ann R. Baker Randall, *Dividing Federal Employee Retirement Benefits for Divorcing Spouses*, 17 GPSOLO 14 (July/Aug. 2000).

James R. Recker, *Dividing Pension Assets: How Not to Avoid Malpractice*, 42 RES GESTAE 28 (July 1998).

Retirement Accounts—Increase in Value, 16 EQUITABLE DISTRIBUTION J. 54 (May 1999).

Alexandre A. Rocha, *The Retirement Plan in California Marital Dissolution Proceedings*, 11 J. CONTEMP. LEGAL ISSUES 285 (2000)(California).

Marvin Snyder, *An Actuary's Comments on Pensions in Divorce*, 11 DIVORCE LITIG. 197 (Oct. 1999).

Brett R. Turner, *A Possible New Alternative for Deferred Distribution of Retirement Benefits: The Separate Interest Approach*, 13 DIVORCE LITIG. 221 (Nov. 2001).

Update on Retirement Benefits, 14 EQUITABLE DISTRIBUTION J. 13 (Feb. 1997)

Anthony J. Vetrano, *Post-Retirement Benefits for the Dependent Spouse*, 15 FAIR\$HARE 10 (Jan. 1995).

Stephen M. Waters & Jerry Reiss, *The Pension Trap: Trading Pension Rights in Divorce Settlements*, 83 ILL. B.J. 302 (June 1995).

Stanley W. Welsh, *Valuation and Division of Retirement Plans at Divorce in Idaho*, 42 ADVOCATE 11 (May 1999)(Idaho).

Jayne Elizabeth Zanglein, *Divorce, Lies and Pensions: Employee Benefits in the Fifth Circuit*, 28 TEX. TECH L. REV. 493 (1997).

Benefits

Sarah S. Oldham, *Distributing Executive Compensation Benefits*, 23 FAM. ADVOC. 30 (Winter 2001) (considering the value of benefits such as lose of company vehicles, frequent flyer miles, access to accounting services and personal security services as contributing to a lifestyle that should be considered at divorce).

Donald C. Schiller & Daniel R. Stefani, *Discovering Employee Benefits: Moving "Fringe" into the Frying Pan of Marital Property*, 23 FAM. ADVOC. 18 (Winter 2001) (focusing primarily on stock options as marital property).

QDROS

Joel R. Brandes, *Dividing Retirement Plan Benefits at Divorce: The Ins and Outs of ERISA Rules and QDROS*, 19 MATRIM. STRATEGIST 1 (Dec. 2001) (describing the anti-alienation rules, how pensions are valued and distributed using a QDRO.)

Nancy R. Crow, *QDROS and QMCSOS: Practical Tips for Drafting and Enforcement*, 24 COLO. LAW. 1071 (May 1995) (providing basic information on how to effectively draft these documents.)

Barbara A. DiFranza, *The Temporary QDRO and QPSA in ERISA (Part I of II)*, 16 FAIR\$HARE 4 (Sept. 1996) (addressing the availability of survivor protection granted by ERISA defined-benefit qualified plans for the period prior to the non-employee spouse's commencement of retirement benefits under a QDRO.)

Thomas B. Egan, *QDRO Update: IRS Notice 97*, 17 FAIR\$HARE 2 (Sept. 1997) (describing Notice 97-11 which provides sample QDRO language as well as an explanation concerning proper payment of taxes upon the distribution from a qualified retirement plan.)

Joy M. Feinberg, *Sizing Up the Pension Pot*, 24 FAM. ADVOC. 12 (Fall 2001) (describing the difference between defined-benefit and defined-contribution plans and how they are valued as well as a discussing the division of non- ERISA plans.)

Hilary Greer Fike, *QDROS: The High Price of Poor Drafting - Part I*, (providing an overview of ERISA and QDRO requirements, describing the basic types of pension plans, addressing the timing and execution of QDROs and highlighting the dangers of over-reliance on the assistance of plan administrators.)

Hilary Greer Fike, *QDROS: The High Price of Poor Drafting - Part II*, 28 COLO. LAW. 89 (Sept. 1999) (providing some practical drafting suggestions along with examples of a well-drafted QDRO and identifying some important client rights.)

Financial Clause Qualified Domestic Relations Order: Planning for the Future Division of Retirement Benefits, 18 FAM. ADVOC. 34 (Summer 1995). (providing a sample QDRO).

E. James Jennings & Barbara J. Schmidt, *The Sliding QDRO as Protection for All Parties in Marriage Dissolution*, 41 RES GESTAE 30 (April 1998) (discussing the dangers of failing to value a pension.)

Carla M. Oliveira, *The Many Applications of Qualified Domestic Relations Orders*, 32 FAM. L.Q. 641 (1998) (citing some courts' willingness to allow QDROs to be used to assign welfare benefits to former spouses, assign pension or welfare benefits to children or to waive a party's potential rights to pension or welfare benefits.)

Robert Preston, *Strategies to Help Drafters Avoid Common Traps in Qualified Domestic Relations Orders*, 19 MATRIM. STRATEGIST 1 (Jan. 2002) (suggesting that dividing the spouse's IRA's may be a good alternative to dividing the employment pension).

Gary Shulman, *QDROS—The Ticking Time Bomb*, 23 FAM. ADVOC. 26 (Spring 2001) (emphasizing the importance of obtaining a QDRO expeditiously at the time of divorce.)

Marvin Snyder, *The “Rap” on QDRO Enforcement*, 24 FAM. ADVOC. 23 (Fall 2001) (suggesting the RAP (review, approval, payment) method for dealing with plan administrators.)

Timothy C. Voit & James L. Parris, *Fundamentals of Qualified Domestic Relations Orders*, 12 S.C. LAW. 24 (May/June 2001) (offering advice on how to draft a good order and warning of the dangers of utilizing “model” orders.)

Elizabeth M. Wells, *Step One: Draft the QDRO But First Make Sure You Understand the Plan*, 24 FAM. ADVOC. 21 (Fall 2001) (highlighting differences in pension plans and making suggestions for clauses related to COLA adjustments, disability and plan termination.)

Richard Belfiore, *Pre-Emptive Effect of Employee Retirement Income Security Act (ERISA) Provisions (29 U.S.C.A. §§ 1056(D)(3), 1144(A), 1144(B)(7)) with Respect to Orders Entered in Domestic Relations Proceedings*, 116 A.L.R. FED. 503 (1993, Supp. 2000).

Keith S. Bozarth, *QDROS and Public Pensions in Missouri*, 51 J. MO. B. 149 (May/June 1995) (Missouri).

Gregory K. Brown, *Revising QDROS After Blackston*, 83 ILL. B.J. 423 (Aug. 1995) (Illinois).

Drafting Qualified Domestic Relations Orders, 17 EQUITABLE DISTRIBUTION J. 25 (Mar. 2000)

George P. Escobedo, Note, “Beneficiary Beware”: *New Directions from Matassarin v. Lynch for Those with Qualified Domestic Relations Orders*, 31 ST. MARY'S L.J. 847 (2000) (Fifth Circuit).

Cynthia M. Fain, *Qualified Illinois Domestic Relations Orders: A Retirement Practice System View*, 88 ILL. B.J. 533 (Sept. 2000) (Illinois).

LeAllen Frost, *State Courts Have Subject Matter Jurisdiction to Determine If a Superior Court's Order Is a QDRO Under ERISA*, 25 PEPP. L. REV. 960 (1998) (California).

Laura W. Morgan, *Using QDROS to Enforce Spousal and Child Support*, 13 DIVORCE LITIG. 7 (Jan. 2001)

Pensions—Qualified Domestic Relations Orders, 14 EQUITABLE DISTRIBUTION J. 117 (Oct. 1997)

QDRO—Attorney's Fees, 16 EQUITABLE DISTRIBUTION J. 66 (Jun. 1999) (New Jersey)

QDRO—Third-Party Interests, 15 EQUITABLE DISTRIBUTION J. 140 (Dec. 1998) (California)

Qualified Domestic Relations Order and State Retirement Benefits, 17 EQUITABLE DISTRIBUTION J. 106 (Sept. 2000) (North Carolina)

Mary B. Roudebush, *New Domestic Relations Orders for Public Employees*, 25 COLO. LAW. 57 (Dec. 1996) (Colorado)

Brett R. Turner, *The Mechanics of Dividing Retirement Benefits: Recent Case Law on Preparation of Qualified Domestic Relations Orders*, 10 DIVORCE LITIG. 105 (June 1998)

Brett R. Turner, *Working with an Independent QDRO Drafter: Practical Advice for the Practicing Attorney*, 10 DIVORCE LITIG. 112 (June 1998)

PRENUPTIAL, POSTNUPTIAL, AND COHABITATION AGREEMENTS

Charles C. Abut, *4 Key Elements for Ensuring a Premarital Agreement Is Valid*, 17 MATRIM. STRATEGIST 1 (June 1999) (suggesting that practitioners check the controlling law on premarital agreements (since almost half of the states have adopted a version of the Uniform Premarital Agreement Act, while others have constructed their own statutes), and ensure that an agreement is not unconscionable, assets and liabilities have been fairly disclosed, and the other party is represented by independent

counsel, and has a reasonable amount of time to review the proposed agreement).

Suzanne D. Albert, *The Perils of Premarital Provisions*, 48 R.I. B.J. 5 (Mar. 2000)(covering the Uniform Premarital Agreement Act, detailing the requirements of procedural fairness (an absence of duress, representation by counsel, and an understanding of the terms) and substantive fairness (fair disclosure and a lack of unconscionability) necessary to uphold an agreement, and remarking on courts stretching to uphold premarital agreements).

Brian Bix, *Bargaining in the Shadow of Love: The Enforcement of Premarital Agreements and How We Think About Marriage*, 40 WM. & MARY L. REV. 145 (1998)(suggesting that since marriage is becoming a quasi-contractual arrangement, some principles of the Uniform Commercial Code might be useful in determining good faith obligations in premarital agreements).

Brian H. Bix, *Premarital Agreements in the ALI Principles of Family Dissolution*, 8 DUKE J. GENDER L. & POL'Y 231 (2001)(describing the provisions of the American Law Institute's Principles of the Law of Family Dissolution and analyzing possible gender effects of the principles).

Katherine C. Gordon, Note, *The Necessity and Enforcement of Cohabitation Agreements: When Strings Will Attach and How to Prevent Them—A State Survey*, 37 BRANDEIS L.J. 245 (1998-99)(surveying states according to their recognition of express and implied cohabitation agreements, the requisites for establishing implied agreements, and awards of equitable remedies and property division).

Allison A. Marston, Note, *Planning for Love: The Politics of Prenuptial Agreements*, 49 STAN. L. REV. 887 (1997)(summarizing briefly the provisions of premarital agreements courts have found to be enforceable and unenforceable within a larger, more theoretical work on the cultural context of such agreements).

Premarital Agreements, 14 EQUITABLE DISTRIBUTION J. 73 (July 1997)(surveying briefly the standards for enforceability of premarital agreements, including burdens of proof, disclosure requirements, and factors regarding duress and overreaching).

Linda J. Ravdin, *Enforceability of Domestic Partnership Agreements*, 18 *EQUITABLE DISTRIBUTION J.* 97 (Sept. 2001)(discussing the absence of rights for cohabiting parties without a cohabitation agreement, the requirements for a valid domestic partnership agreement (consideration, fairness, and, in some jurisdictions, a signed writing), and the possibility for awards to include retirement benefits and support; listing pertinent cases from each state).

Susan Metzger Weiss, *Sign at Your Own Risk: The "RCA" Prenuptial May Prejudice the Fairness of Your Future Divorce Settlement*, 6 *CARDOZO WOMEN'S L.J.* 49 (1999)(discouraging Jewish women from signing the premarital agreement recommended by the Rabbinical Council of America ("RCA"), which enlarges jurisdiction of the rabbinical courts and also permits use of penalty clauses, because rabbinical courts are likely to impose traditional Jewish laws that discriminate against women).

Brett A. Barfield, Comment, *Are Same-Sex Prenuptial Agreements Enforceable in Florida?* *Posik v. Layton*, *Law and Policy*, 10 *ST. THOMAS L. REV.* 407 (1998)(Florida).

Elizabeth Barker Brandt, *The Uniform Premarital Agreements Act and the Reality of Premarital Agreements in Idaho*, 33 *IDAHO L. REV.* 539 (1997)(Idaho).

Laura Caldwell, *Postnuptial Agreements in Illinois*, 88 *ILL. B.J.* 473 (Aug. 2000)(Illinois).

Brandon Campbell, Comment, *Cohabitation Agreements in Massachusetts: Wilcox v. Trautz Changes the Rules But Not the Results*, 34 *NEW ENG. L. REV.* 485 (2000)(Massachusetts).

Craig C. Conley, *Family Law—Randolph v. Randolph: Tennessee Requires Full Disclosure or Independent Knowledge for Antenuptial Agreements to be Valid*, 27 *U. MEM. L. REV.* 1021 (1997)(Tennessee).

Carolyn Counce, *Family Law—Cary v. Cary: Antenuptial Agreements Waiving or Limiting Alimony in Tennessee*, 27 *U. MEM. L. REV.* 1041 (1997)(Tennessee).

Willard H. DaSilva, *Changing Population Trends Spur New Interest in Prenup Agreements for Love, Money and Security*, 74 N.Y. ST. B.J. 8 (Feb. 2002)(New York).

Jana Aune Deach, *Premarital Settlements: Till Death Do Us Part—Defining the Enforceability of the Uniform Premarital Agreement Act in North Dakota*, In Re Estate of Lutz, 563 N.W.2d 90 (N.D. 1997), 74 N.D. L. REV. 411 (1998)(North Dakota).

John G. Gherini, Comment, *The California Supreme Court Swings and Misses in Defining the Scope and Enforceability of Premarital Agreements*, 36 U.S.F. L. REV. 151 (2001)(California).

Charlotte K. Goldberg, *“If It Ain’t Broke, Don’t Fix It”: Premarital Agreements and Spousal Support Waivers in California*, 33 LOY. L.A. L. REV. 1245 (2000)(California).

Kim Kantorowicz, Note, *Contracts—Cohabitation in Minnesota: From Love to Contract—Public Policy Gone Awry in Re Estate of Palmen*, 588 N.W.2d 493 (Minn. 1999), 26 WM. MITCHELL L. REV. 213 (2000)(Minnesota).

Lynn Fontaine Newsome, *Premarital Agreements: Avoiding the Minefields*, 184 N.J. LAW. 23 (May 1997)(New Jersey).

Louis Parley, *Premarital Agreements in Connecticut—Where We Are and Where We Are Going*, 69 CONN. B.J. 495 (Dec. 1995) (Connecticut).

James O. Pearson, Jr., *Failure to Disclose Extent or Value of Property Owned as Ground for Avoiding Premarital Contract*, 3 A.L.R. 5TH 394 (1993, Supp. 1999).

Faun M. Phillipson, Note, *Fairness of Contract vs. Freedom of Contract: The Problematic Nature of Contractual Obligation in Premarital Agreements*, 5 CARDOZO WOMEN’S L.J. 79 (1998)(Wisconsin).

Robert Roy, *Enforceability of Premarital Agreements Governing Support or Property Rights upon Divorce or Separation as Affected by Circumstances Surrounding Execution—Modern Status*, 53 A.L.R. 4TH 85 (1987, Supp. 2000).

Robert Roy, *Enforceability of Premarital Agreements Governing Support or Property Rights upon Divorce or Separations as Af-*

fected by Fairness or Adequacy of Those Terms—Modern Status, 53 A.L.R. 4th 161 (1987, Supp. 2000).

Robert Roy, *Modern Status of Views as to Validity of Premarital Agreements Contemplating Divorce or Separation*, 53 A.L.R. 4TH 22 (1987, Supp. 1999).

John F. Schaefer, *Why Michigan Should Divorce Antenuptial Agreements from Divorce Cases*, 76 MICH. B.J. 1076 (1997) (Michigan).

Donald M. Sukloff, *Prenuptial Agreements Without Disclosure or Independent Counsel*, 16 FAIR\$HARE 8 (Nov. 1996)(New York).

Brett R. Turner, *Does Virginia's Version of the Uniform Premarital Agreements Act Apply to Separation Agreements?*, 11 DIVORCE LITIG. 213 (Nov. 1997)(Virginia).

Dennis Wasser, *Prenuptial Disagreements: The Enforcement of Prenuptial Agreements in California Has Been Strengthened, But Provisions in Violation of Public Policy Will Still Be Struck Down*, 23 L.A. LAW. 26 (Dec. 2000)(California).

Jay M. Zitter, *Antenuptial Contracts: Parties' Behavior During Marriage as Abandonment, Estoppel, or Waiver Regarding Contractual Rights*, 56 A.L.R. 4TH 998 (1987, Supp. 1999).

PROPERTY DIVISION

Craig W. Dallon, *The Likely Impact of the ALI Principles of the Law of Family Dissolution on Property Division*, 2001 B.Y.U. L. REV. 891(contemplating the likely effects of the ALI presumption of equal division (as opposed to equitable distribution) and the proposed recharacterization of separate assets as marital assets in the event of a long marriage).

Wendy S. Ricketts, *Domestic Violence as a Factor in Distributing Property upon Divorce*, 10 DIVORCE LITIG. 41 (Mar. 1998)(reviewing cases regarding the relevancy of fault, specifically intimate violence, to the distribution of marital assets and noting that some jurisdictions that typically do not consider fault may do so if the abuse is particularly egregious, relates to the reason for the dissolution or the assets to be divided, or places additional burdens on the victim).

Brett R. Turner, *Distinguishing Between Active and Passive Appreciation in Separate Property: A Suggested Approach*, 13 DIVORCE LITIG. 73 (May 2001)(reviewing the Pereira and Van Camp formulas used to allocate the appreciation and recommending that when property appreciation is active (from marital efforts) the Pereira formula should be used, while passive appreciation (from market forces or third parties' efforts) should be evaluated according to the Van Camp formula).

Brett R. Turner, *The Limits of Finality: Reopening Property Division Orders in Post-Judgment Proceedings*, 9 DIVORCE LITIG. 145 (Aug. 1997)(stating the general rule against modification of divorce decrees, but noting a few instances in which courts have permitted limited modification, and stating several exceptions where courts have reconsidered judgments within a certain period before finality of the judgment, have clarified ambiguous judgments, or have reopened judgments that are a product of fraud, duress, or mistake; considering also whether assets omitted from division, changes in the parties' circumstances, and changes in law justify reopening judgments).

Brett R. Turner, *Property Division Triage: Identifying Unusual Types of Divisible Property*, 12 DIVORCE LITIG. 193 (Oct. 2000)(identifying two types of marital assets often overlooked by attorneys: those items that do not look like traditional concepts of property (e.g., government benefits, frequent flyer miles, bonus or incentive plans) and those that at first appear to have modest value (e.g., hobby collections), and providing an annotated checklist of unusual but potentially divisible assets).

Margaret A. Bennett, *The Real Estate Lawyer's Divorce Primer and the Divorce Lawyer's Guide to Real Estate*, 86 ILL. B.J. 488 (Sept. 1998)(Illinois).

George L. Blum, *Property Rights Arising from Relationship of Couple Cohabiting Without Marriage*, 69 A.L.R. 5TH 219 (1999).

Dane S. Ciolino, *How Copyrights Became Community Property (Sort of): Through the Rodrigue v. Rodrigue Looking Glass*, 47 LOY. L. REV. 631 (2001)(Fifth Circuit).

Thomas W. Crockett & Walter P. Neely, *Mississippi's New Equitable Distribution Rules: The Ferguson Guidelines and Valuation*, 15 MISS. C. L. REV. 415 (1995)(Mississippi).

Michael J. DelTergo, *The Use of Support Modification to Re-Litigate Equitably Divided Property in Massachusetts: Does Heins v. Ledis Draw the Line?*, 2 SUFFOLK J. TRIAL & APP. ADVOC. 145 (1997)(Massachusetts).

Francis M. Dougherty, *Divorce: Excessiveness or Adequacy of Combined Property Division and Spousal Support Awards—Modern Cases*, 55 A.L.R. 4TH 14 (1987, Supp. 2000).

Francis M. Dougherty, *Divorce: Excessiveness or Adequacy of Trial Court's Property Award—Modern Cases*, 56 A.L.R. 4TH 12 (1987, Supp. 2000).

Thomas M. Featherston, Jr. & Amy E. Douthitt, *Changing the Rules by Agreements: The New Era in Characterization, Management, and Liability of Marital Property*, 49 BAYLOR L. REV. 271 (1997)(Texas).

Palma Maria Forte, *The Wisconsin Marital Property Act: Sections in Need of Reform*, 79 MARQ. L. REV. 859 (1996)(Wisconsin).

Stewart W. Gagnon & Christina H. Patierno, *Reimbursement & Tracing: The Bread and Butter to a Gourmet Family Law Property Case*, 49 BAYLOR L. REV. 323 (1997)(Texas).

Susana D. Gonzalez & Ben Vyzas, *Addiction: How Should It Be Considered by Family Law Practitioners and Judges in Fashioning Equitable Distribution and Support Schemes?*, 69 FLA. B.J. 45 (Jan. 1995)(Florida).

Leslie Joan Harris, *A "Just and Proper Division": Property Distribution at Divorce in Oregon*, 78 OR. L. REV. 735 (1999) (Oregon).

Victoria M. Ho & James Rhett Brigman, *A Seven-Step Analysis of Equitable Distribution in Florida*, 73 FLA. B.J. 94 (June 1999) (Florida).

Toby M. Jesson, Note, *Equitable Division of Separate Property in Massachusetts: A Broad Grant of Discretion to Judges or No Discretion at All?*, 4 SUFFOLK J. TRIAL & APP. ADVOC. 143 (1999) (Massachusetts).

Barbara Anne Kazen, *Division of Property at the Time of Divorce*, 49 BAYLOR L. REV. 417 (1997)(Texas).

Charles P. Kindregan, Jr. & Monroe L. Inker, *A Quarter Century of Allocating Spousal Property Interests: The Massachusetts Experience*, 33 SUFFOLK U. L. REV. 11 (1999)(Massachusetts).

Martin J. McMahon, *Divorce and Separation: Goodwill in Accounting Practice as Property Subject to Distribution on Dissolution of Marriage*, 77 A.L.R. 4TH 645 (1989, Supp. 1999).

Kathleen M. O'Connor, *Marital Property Reform in Massachusetts: A Choice for the New Millennium*, 34 NEW ENG. L. REV. 261 (1999)(Massachusetts).

James P. O'Hara, *May Fault Be Considered in Deciding Financial Issues in Divorce Cases?*, 67 J. KAN. B.A. 28 (June/July 1998) (Kansas).

Calvin G. C. Pang, *Slow-Baked, Flash Fried, Not to Be Devoured: Development of the Partnership Model of Property Division in Hawaii and Beyond*, 20 U. HAW. L. REV. 1 (1998)(Hawaii).

Lee R. Russ, *Divorce and Separation: Effect of Trial Court Giving Consideration to Needs of Children in Making Property Division—Modern Status*, 19 A.L.R. 4TH 239 (1983, Supp. 2000).

Lee R. Russ, *Divorce: Equitable Distribution Doctrine*, 41 A.L.R. 4TH 481 (1985, Supp. 2000).

Peter Sevareid, *Increase in Value of Separate Property in Pennsylvania: A Change in What Women Want?*, 68 TEMP. L. REV. 557 (1995)(Pennsylvania).

Sally Burnett Sharp, *Step by Step: The Development of the Distributive Consequences of Divorce in North Carolina*, 76 N.C. L. REV. 2017 (1998)(North Carolina).

Sonja A. Soehnel, *Divorce Property Distribution: Real Estate or Trust Property in Which Interest Vested Before Marriage and Was Realized During Marriage*, 60 A.L.R. 4TH 217 (1988, Supp. 1999).

Brett R. Turner, *Eating Jello with Chopsticks: The Elusive Concept of Separate Property in Michigan*, 12 DIVORCE LITIG. 114 (June 2000)(Michigan).

Brett R. Turner, *A Short Critique of Virginia Law on Hybrid Property Issues*, 11 *DIVORCE LITIG.* 119 (June 1999)(Virginia).

Frank J. Wozniak, *Copyright, Patent, or Other Intellectual Property as Marital Property for Purposes of Alimony, Support, or Divorce Settlement*, 80 *A.L.R. 5TH* 497 (2000).

Jay M. Zitter, *Divorce and Separation: Method of Valuation of Life Insurance Policies in Connection with Trial Court's Division of Property*, 54 *A.L.R. 4TH* 1203 (1987, Supp. 1999).

STOCKS

Paul J. Buser & Thomas R. White, *Stock Redemptions in Marital Separation Agreements: Unsteady Steps for the Unprepared*, 30 *FAM. L.Q.* 41 (1996)(explaining the legal rules regarding corporate tax treatment of stock redemptions and considering how to structure a stock redemption agreement in the event of a divorce of a corporation's stockholders).

Lynn Curtis, Comment, *Valuation of Stock Options in Dividing Marital Property upon Dissolution*, 15 *J. AM. ACAD. MATRIM. LAW.* 411 (1998)(comparing different states' (Arkansas, California, Colorado, Illinois, Indiana, Louisiana, Maryland, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Texas, Virginia, Washington, and Wisconsin) treatment of stock options upon dissolution and considering various formulas (including the intrinsic value and Black-Scholes methods) jurisdictions use to ascertain how to divide the options).

Charles P. Kindregan, Jr. & Patricia A. Kindregan, *Unexercised Stock Options and Marital Dissolution*, 34 *SUFFOLK U. L. REV.* 227 (2001)(offering a taxonomy that distinguishes between stock options and stock appreciation rights, vested and unvested options, and options earned during the marriage and by post-divorce efforts, and considering the treatment of each of these categories as marital property).

Tracy A. Thomas, *The New Marital Property of Employee Stock Options*, 35 *FAM. L.Q.* 497 (2001)(considering the characteristics (e.g., contingent future, vested, granted post-separation) of different stock options to determine whether the options should be

considered marital property, and comparing methods for valuing options).

Brett R. Turner, *Stock Options as "Income" for Purposes of Spousal Support*, 12 DIVORCE LITIG. 217 (Nov. 2000)(reviewing the few cases that have held that some stock options are essentially future earnings, those that have held such options are not income-like, and looking for analogous authority to the treatment of retirement benefits in various states).

Christine P. Hsu, Note, *Taxation of Stock Redemptions Pursuant to Divorce Decrees*, 49 TAX LAW. 253 (1995)(Blatt v. Commissioner, United States v. Arnes (Arnes I), and Arnes v. Commissioner (Arnes II)).

Jack E. Karns & Jerry G. Hunt, *Should Unexercised Stock Options Be Considered "Gross Income" Under State Law for Purposes of Calculating Monthly Child Support Payments?*, 33 CREIGHTON L. REV. 235 (2000)(Ohio).

Andrew C. Littman, *Valuation and Division of Employee Stock Option on Divorce*, 29 COLO. LAW. 61 (May 2000)(Colorado).

Diana Richmond, *The Challenges of Stock Options*, 35 FAM. L.Q. 251 (2001) (California).

Stock Options, Marital Property, and the Connecticut Equal Rights Amendment, 17 EQUITABLE DISTRIBUTION J. 114 (Oct. 2000) (Connecticut).

Valuation of Closely Held Stock for Federal Estate Tax Purposes Under § 2031(B) of Internal Revenue Code of 1954 (26 U.S.C.A. § 2031(B)), and Implementing Regulations, 22 A.L.R. FED. 31 (1975, Supp. 2000).

TAX ISSUES

Janet C. Arrowood, *Tax Considerations for "Equitable" Asset Allocation*, 30 COLO. LAW. 99 (July 2001)(discussing several variations that demonstrate "traditional" asset divisions and "tax-favored" allocations).

Amy C. Christian, *Joint and Several Liability and the Joint Return: Its Implications For Women*, 66 U. CIN. L. REV. 535

(1998)(describing several justifications that are commonly offered in support of joint and several liability).

Mitchell M. Gans, *Federal Transfer Taxation and the Role of State Law: Does the Marital Deduction Strike the Proper Balance?*, 48 EMORY L.J. 871 (1999)(discussing a consideration of the role of state law in the transfer-tax system and the negative consequences that occur where the tax law fails to strike the proper balance.)

Michael W. Kalcheim, *Divorce and Uncle Sam: The Tax Consequences of Marital Breakup*, 84 ILL. B.J. 466 (Sept. 1996)(warning of tax-related pitfalls in the process of divorce).

Richard B. Malamud, *Allocation of the Joint Return Marriage Penalty and Bonus*, 15 VA. TAX REV. 489 (1996)(discussing how a married couple with separate income streams should allocate the penalty or the bonus).

David Melton, *How Income Taxes Affect Property Settlements*, 29 COLO. LAW. 55 (Jan. 2000)(focusing on how courts deal with income tax liabilities and what types of information practitioners should present to the court about these tax liabilities).

John A. Miller & Jeffrey A. Maine, *Tax Consequences of Community Income: Problems and Planning Opportunities During Divorce*, 30 FAM. L.Q. 173 (1996)(discussing the current state of the law with respect to the taxation of post-separation income in community property states).

Martin M. Shenkman, *I.R.C. Amendment: How Provisions of New Tax Act Impact Divorcing Taxpayers*, 15 MATRIM. STRATEGIST 1 (Oct. 1997)(highlighting some of the changes made—and planning issues created—by the 1997 Taxpayer Relief Act).

Henry E. Smith, *Intermediate Filing in Household Taxation*, 72 S. CAL. L. REV. 145 (1998)(exploring and defending “intermediate filing,” under which couples would choose a ratio to govern both income tax treatment and division of the broadest range of assets on divorce).

Advanced Tax Aspects of Divorce, Part I, 18 EQUITABLE DISTRIBUTION J. 37 (Apr. 2001).

Jessica Luby Angney, Note, *It's New But Is It Improved?: The New "Innocent Spouse" Provision*, 47 CLEV. ST. L. REV. 603 (1999).

Tracy A. Bateman, *Divorce and Separation: Consideration of Tax Consequences in Distribution of Marital Property*, 9 A.L.R. 5TH 568 (1993, Supp. 2000).

Laura Bigler, Note, *A Change Is Needed: The Taxation of Alimony and Child Support*, 48 CLEV. ST. L. REV. 361 (2000).

Lawrence D. Diehl, *Recent Tax Law Changes and Their Impact on Divorce Practitioners*, 10 DIVORCE LITIG. 57 (Apr. 1998).

Sarah Dods, Note & Comment, *Kochansky v. Commissioner: The Assignment of Income Doctrine, Community Property Law, and I.R.C. § 1041*, 72 WASH. L. REV. 873 (July 1997)(Ninth Circuit).

Factors in Award—Refusal to File Joint Income Tax Return, 14 EQUITABLE DISTRIBUTION J. 90 (Aug. 1997).

Melvyn B. Frumkes, *Impact on Divorce Taxation Issues of the Taxpayer Relief Act of 1997*, 72 FLA. B.J. 44 (May 1998).

Terry S. Jones, Comment, *Estate of Bonner v. United States: QTIPS and Fractional Interest Discounts: Whipsaw Wonderland*, 33 IDAHO L. REV. 595 (1997)(Fifth Circuit).

Michael A. Kirtland, *Divorce & Taxes: What Every Divorce Attorney Should Know About Taxes*, 61 ALA. LAW. 116 (Mar. 2000).

R. Miles Mason, *Basic Tax Issues a Family Law Attorney Should Consider When Drafting a Marital Dissolution Agreement*, 34 TENN. B.J. 36 (Nov./Dec. 1998).

Martin J. McMahon, Jr., *Tax Aspects of Divorce and Separation*, 32 FAM. L.Q. 221 (1998).

Gavin L. Phillips, *State Court's Authority, in Marital or Child Custody Proceeding, to Allocate Federal Income Tax Dependency Exemption for Child to Noncustodial Parent Under § 152(E) of the Internal Revenue Code (26 U.S.C.A. § 152(E))*, 77 A.L.R. 4TH 786 (1989, Supp. 2000).

Jean F. Rydstrom, *What Kinds of Legal Costs Incurred by Taxpayer Are Deductible—Current Cases*, 39 A.L.R. FED. 221 (1978, Supp. 2000).

Martin M. Shenkman & Laura Weyant Kearney, *Tax Implications of Funding Education Costs Through Trusts*, 17 MATRIM. STRATEGIST 6 (Aug. 1999).

Ferdinand S. Tinio, *Divorce or Separation: Consideration of Tax Liability or Consequences in Determining Alimony or Property Settlement Provisions*, 51 A.L.R. 3D 461 (1973, Supp. 2000).

Thomas R. White, III, *A Taxable Twist: When the Payor Does Not Pay At Least Not Cash*, 18 MATRIM. STRATEGIST 6 (Aug. 2000).

Thomas R. White, III, —*Why Designating Income Tax Effect of Cash Payments Is Important*, 17 MATRIM. STRATEGIST 1 (July 1999).

Joanne Ross Wilder, *Divorce and the IRS Tax Clauses Matrimonial Attorneys Can't Live Without*, 14 MATRIM. STRATEGIST 1 (Oct. 1996).

Joanne Ross Wilder, *Divorce and the IRS Tax Clauses Matrimonial Attorneys Can't Live Without*, 14 MATRIM. STRATEGIST 1 (Nov. 1996).

Joanne Ross Wilder, *Tax Clauses Matrimonial Attorneys Can't Live Without*, 14 MATRIM. STRATEGIST 6 (Dec. 1996).

Carolyn J. Woodruff, *Tax Tips for Divorce Cases*, 44 PRAC. LAW. 67 (Apr. 1998).

Gregory M. Woods, Note, *Section 1041 Does Not Require Interest Paid to an Ex-Spouse to Be Treated as Personal Interest: Seymour v. Commissioner*, 51 TAX LAW. 829 (1998)(Tax Court).

Richard I. Zuber, *The Prepayment of Maintenance: Traps for the Unwary*, 16 MATRIM. STRATEGIST 1 (Jan. 1999).

TRUSTS

Debra Baker, *Island Castaway*, 84 A.B.A. J. 54 (Oct. 1998)(reviewing briefly the difficulties in recovering funds from trusts in foreign jurisdictions that have restricted discovery, short statutes

of limitations, no contingent fee arrangements, and limited recognition of foreign judgments).

David D. Beazer, *The Mystique of "Going Offshore"*, 9 UTAH B.J. 19 (Dec. 1996)(explaining basic techniques for offshore banking, discussing popular offshore financial centers, and listing tax implications and advantages of asset protection trusts).

Denise C. Brown, *Caribbean Asset Protection Trust: Here Comes the Sun—Dispelling the Dark Clouds of Controversy*, 7 U. MIAMI BUS. L. REV. 133 (1998)(explaining why places in the Caribbean are popular locations for asset protection trusts, use of such APTs in lieu of premarital agreements, IRS regulations governing establishment of APTs, and fraudulent conveyance challenges to APTs).

Antony G.D. Duckworth, *The Trust Offshore*, 32 VAND. J. TRANSNAT'L L. 879 (1999)(describing the laws of the Cayman Islands as a model for offshore trust centers and discussing offshore trust legislation in various other countries).

John K. Eason, *Home from the Islands: Domestic Asset Protection Trust Alternatives Impact Traditional Estate and Gift Tax Planning Considerations*, 52 FLA. L. REV. 41 (Jan. 2000)(examining the tax planning implications of settlors' retention of interests in domestic APTs).

Randall J. Gingiss, *Putting a Stop to "Asset Protection" Trusts*, 51 BAYLOR L. REV. 987 (1999)(discussing the move by twelve states to permit transfers into trusts for the settlor's own benefit and advocating elimination of methods that permit individuals to make themselves judgment proof).

Eric Henzy, *Offshore and "Other" Shore Asset Protection Trusts*, 32 VAND. J. TRANSNAT'L L. 739 (1999)(comparing domestic with offshore asset protection trusts in terms of applicable statutes of limitation, fraudulent conveyance laws, and difficulties of establishing the trusts, and reviewing the reach of United States bankruptcy court jurisdiction over such trusts).

Stacey K. Lee, *Piercing Offshore Asset Protection Trusts in the Cayman Islands: The Creditors' View*, 11 TRANSNAT'L LAW. 463 (1998)(reviewing the laws of the Cayman Islands regarding asset protection trusts, including bankruptcy law, trust law, and recog-

inition of court orders from other jurisdictions; explaining direct approaches creditors can take to challenge the trusts—including discovery (procedures, advantages, disadvantages of orders for examination and written interrogatories), how to commence an action in the Cayman Islands, and specific provisions of substantive law—as well as indirect approaches creditors can employ in the United States, including use of civil and criminal contempt laws, fraud, bankruptcy fraud, various white collar criminal offenses, and claims against the debtor’s attorney).

James T. Lorenzetti, *The Offshore Trust: A Contemporary Asset Protection Scheme*, 102 *COM. L.J.* 138 (Summer 1997)(highlighting provisions of asset protection trust laws in the Bahamas, Belize, Bermuda, Cayman Islands, Cook Islands, Gibraltar, Turks and Caicos Islands, explaining comity provisions in civil and common law jurisdictions, clarifying typical provisions in APTs (such as an anti-duress clause, a flight clause, powers to change trustees, a letter of wishes, a trust protector, and a blind trust provision), and discussing the tax consequences of offshore APTs).

Stewart E. Sterk, *Asset Protection Trusts: Trust Law’s Race to the Bottom?*, 85 *CORNELL L. REV.* 1035 (2000)(exploring the ways domestic states, such as Alaska and Delaware, are beginning to compete for trust business with foreign jurisdictions, and discussing voluntary and involuntary petitions in bankruptcy and civil contempt provisions as measures to reach the assets in APTs).

Assets Created Prior to Commencement of Divorce Action—Offshore Trust, 17 *EQUITABLE DISTRIBUTION J.* 47 (Apr. 2000)(New York).

Karen E. Boxx, *Gray’s Ghost—A Conversation About the Onshore Trust*, 85 *IOWA L. REV.* 1195 (2000)(Alaska, Delaware, Nevada, and Rhode Island).

M. L. Cross, *Trust Income or Assets as Subject to Claim Against Beneficiary for Alimony, Maintenance, or Child Support*, 91 *A.L.R. 2D* 262 (1963, Supp. 2000).

Nancy R. Crow, Balanson: *Drafting Trusts to Deflect the Spousal Creditor*, 30 *COLO. LAW.* 131 (2001)(Colorado).

Bette Heller, Ken Ransford & Carl Stevens, *Joint Revocable Trusts*, 26 COLO. LAW. 63 (Aug. 1997)(Colorado).

Interest in Family Trust Is Marital Property; Interspousal Gifts May Not Be Marital, 19 MATRIM. STRATEGIST 8 (July 2001)(Colorado).

J. R. Kemper, *Validity of Inter Vivos Trust Established by One Spouse Which Impairs the Other Spouse's Distributive Share or Other Statutory Rights in Property*, 39 A.L.R. 3D 14 (1971, Supp. 2000).

David W. Kirch, *Avoiding Appreciation in Trust Assets Being Treated as Marital Property*, 27 COLO. LAW. 57 (Mar. 1998)(Colorado).

Steve Lass & Matt Seidman, *Property or Expectancy: The Division of Trust Assets at Dissolution of Marriage*, 30 COLO. LAW. 63 (Feb. 2001)(Colorado).

Out-of-State Trust Funded with Marital Assets, 15 EQUITABLE DISTRIBUTION J. 142 (Dec. 1998)(New York).

Paul M. Roder, Note, *American Asset Protection Trusts: Alaska and Delaware Move 'Offshore' Trusts onto the Mainland*, 49 SYRACUSE L. REV. 1253 (1999).

Philip R. Rupprecht, *The Increasing Use of International Trusts*, 34 ARIZ. ATT'Y 22 (Nov. 1997)(Arizona).

J. F. Rydstrom, *Court's Establishment of Trust to Secure Alimony or Child Support in Divorce Proceedings*, 3 A.L.R. 3D 1170 (1965, Supp. 1999).

John E. Sullivan III, *Gutting the Rule Against Self-Settled Trusts: How the New Delaware Trust Law Competes with Offshore Trusts*, 23 DEL. J. CORP. L. 423 (1998).

W. Michael Wiist, Comment, *Trust Income: Separate or Community Property?*, 51 BAYLOR L. REV. 1149 (1999)(Texas).

VALUATION OF ASSETS

Babette Cohen, *Trash or Treasure Valuing Personal Property—Art, Antiques, Jewelry, and Collectibles*, 17 FAM. ADVOC. 34 (Spring 1995)(suggesting methods to contact appraisers and ways to evaluate their credentials).

Laurence J. Cutler & Samuel V. Schoonmaker, IV, *Division and Valuation of Speculative Assets: Reasoned Adjudication or Court-house Confusion?*, 15 J. AM. ACAD. MATRIM. LAW. 257 (1998)(surveying decisions on ways courts treat speculative assets, such as vested and unvested pension rights, professional and practice goodwill, the contributions to a business of spousal services, stock options, anticipated commissions, and personal injury awards).

Jay E. Fishman & Bonnie O'Rourke, *Value: More Than a Superficial Understanding Is Required*, 15 J. AM. ACAD. MATRIM. LAW. 315 (1998)(comparing standards of valuation, such as fair market value and investment value, used to estimate the worth of closely held businesses at dissolution).

Lynn Weddle Judkins, Comment, *The Road to Splitsville: How the Timing of Valuation During Marital Dissolution Leads to Costly Detours*, 15 J. AM. ACAD. MATRIM. LAW. 465 (1998)(surveying different jurisdictions to determine the valuation dates (e.g., date of separation, trial, or dissolution, or date nearest the distribution of assets) they apply for assessing marital property).

Brett R. Turner, *Dates of Classification and Valuation: A State-by-State Survey*, 13 DIVORCE LITIG. 36 (Feb. 2001)(providing a table, with supporting case and statutory authority, showing the dates (such as the date of separate, written separation agreement, filing of the divorce action, pendente lite order, pretrial conference, trial, or divorce) on which different jurisdictions classify and value property).

Brett R. Turner, *Determining the Date for Valuing Marital Property in Divorce Actions*, 13 DIVORCE LITIG. 17 (Feb. 2001)(distinguishing between the date of valuation of marital property, the date of separation of the parties, the classification date (the date "upon which the parties' active efforts cease to create divisible property"); observing that in over half of the states, courts use a flexible approach, with most valuing property at the date of trial; discussing the possibility of using different valuation dates for different assets; also considering the circumstances of dissipation of assets, deliberate delay of proceedings, long separations, and active and passive appreciation of property value).

Brett R. Turner, *Equalizing Access to Expert Testimony: Expert's Fees Awards and Court-Appointed Experts*, 8 DIVORCE LITIG. 13 (Jan. 1997)(discussing courts' common law powers to order reimbursement for reasonable expert witness fees for various types of experts (such as accountants, appraisers, attorneys, and health care professionals) and the factors impelling courts to make such an order (including the relative financial status of the parties, the nature of the marital property and the disagreement about it, and valuation difficulties).

Jeffrey P. Weinstein, *The Use and Abuse of Economic Experts in Divorce Litigation, Part II of II*, 15 FAIR\$HARE 12 (Mar. 1995) (describing the areas of specialization of specific economic experts—actuaries, accountants, appraisers and brokers, and financial planners—as well as the methods they use to calculate, among other things, pensions, support, business and professional practice values, and the value of real property).

Cheryl Young, *Proving Income by Expenditure and Life-Style*, 13 DIVORCE LITIG. 169 (Sept. 2001)(suggesting methods for discovering hidden income and including a list of often overlooked sources of assets).

Hal L. Young, *How to Work with a Valuation Expert: Tips for Attorneys from a CPA in the Trenches*, 10 DIVORCE LITIG. 76 (Apr. 1998)(recommending informational bits and documents the attorney should pass along to the valuator, including the state's laws regarding equitable distribution and any pertinent statutes, fair warning as to the adversarial environment, and a representation letter).

Sofia Adroque & Alan Ratliff, *Kicking the Tires After Kumho: The Bottom Line on Admitting Financial Expert Testimony*, 37 HOUS. L. REV. 431 (2000).

Vitauts M. Gulbis, *Unaccepted Offer for Purchase of Real Property as Evidence of Its Value*, 25 A.L.R. 4TH 571 (1983, Supp. 2000).

Lee R. Russ, *Proper Date for Valuation of Property Being Distributed Pursuant to Divorce*, 34 A.L.R. 4TH 63 (1984, Supp. 2000).

Sonja A. Soehnel, *Divorce Property Distribution: Treatment and Method of Valuation of Future Interest in Real Estate or Trust Property Not Realized During Marriage*, 62 A.L.R. 4TH 107 (1988, Supp. 2000).

Sonja A. Soehnel, *Necessity That Divorce Court Value Property Before Distributing It*, 51 A.L.R. 4TH 11 (1987, Supp. 2000).

Brett R. Turner, *Update: Determining the Date of Valuation Under the Equitable Distribution Law of South Carolina*, 14 DIVORCE LITIG. 69 (Apr. 2002)(South Carolina).

Valuation—Impact of Financial Statements, 14 EQUITABLE DISTRIBUTION J. 42 (Apr. 1997)(Ohio).

Valuation—Impact of Financial Statements, 14 EQUITABLE DISTRIBUTION J. 114 (Oct. 1997)(Maine).

Frank J. Wozniak, *Divorce: Spouse's Right to Order That Other Spouse Pay Expert Witness Fees*, 4 A.L.R. 5TH 403 (1993, Supp. 2000).

WEALTH

Debra Baker, *Wealthy Wives' Tales High Asset, High-Profile Divorces Are Changing the Way Judges Look at Partnership*, 84 A.B.A. J. 72 (July 1998)(recounting the factual backgrounds in the high profile *Goldman* and *Wendt* cases).

Margorie Engel, *Pockets of Poverty: The Second Wives Club—Examining the Financial [In] Security of Women in Remarriages*, 5 WM. & MARY J. WOMEN & L. 309 (1999)(addressing financial obligations toward stepfamilies, responsibilities to stepchildren, and separation of assets pre- and post-remarriage).

Mike McCurley, C. Andrew Ten Eyck, & Julie P. Crawford, *Mansions, Mercedes and Marital Meltdowns: A Guide to Representing the Rich and Famous*, 19 MATRIM. STRATEGIST 1 (Aug. 2001)(discussing the management of teams of expert witnesses, immense amounts of documents (and their transportation), support staff, and care and feeding of a high profile client).

Joan Williams, *Do Wives Own Half? Winning for Wives After Wendt*, 32 CONN. L. REV. 249 (1999)(evaluating joint property, partnership, and human capital approaches to translating domestic work into a share of marital assets).