



Advanced Elements of Matrimonial Practice

Presented by the Matrimonial & Family Law Committee

Thursday, November 9, 2017 - 9:00 a.m. – 4:00 p.m.

BAEC, 438 Main Street, Sixth Floor, Buffalo

6.5 CLE credits: 0.5 Ethics, 4.0 Areas of Professional Practice, 2.0 Skills

This program will focus on unique issues that tend to present themselves in matrimonial matters of a complex and/or on-complex nature. Our distinguished panel will discuss issues involving taxation, tax returns, evidentiary considerations regarding social media and digital media, the use of experts, how to read an expert report, how to prepare to cross examine an expert regarding a valuation report, reallocation of maintenance and child support as it relates to taking advantage of the differential in the parties' tax rates, and recent developments regarding other matrimonial issues such as custody, relocation, cohabitation, and Veteran benefits. The seminar will also delve into ethical considerations and will include helpful commentary and insight from Justice Dennis E. Ward, J.S.C. and Justice Mary L. Slisz, J.S.C.

- 9:00 a.m. **PAUL A. VANCE, ESQ., *THE VANCE LAW FIRM***
- Introduction to the seminar
 - General observations
 - The importance of intake in establishing trust with client and laying a foundation to promote resolution both short term and long term
 - Preparing your client for preliminary conferences/motions
 - Motion practice
 - Getting Paid; handling the monied-spouse; observations of an Appointed Fee Dispute Resolution attorney through OCA's program
- 10:00 a.m. **SUSAN GRZYBOWSKI, CVA, *DANSA & D'ARATA, LLP***
- What happens if a spouse files married – separate? In what circumstances can you file an amended return
 - Dependency exemptions: 2017 rules regarding phase out
 - Using IRS guidelines to take advantage of maintenance/child-support
 - Communication requirements with counsel commencing with engagement through the issuance of a report
- 10:30 a.m. **BREAK**
- 10:40 a.m. **WILLIAM P. ALLEN, CPA/ABV,CFE, *BRISBANE CONSULTING***
- The role of an expert with respect to a matrimonial case involving a business or professional practice
 - Discovery considerations
 - Common valuation methods
 - What to look for in a valuation report prepared for by an expert; areas ripe for cross examination.
- 11:15 a.m. **ELIZABETH DIPIRRO, ESQ., *RUPP BAASE PFALZGRAF CUNNINGHAM LLC***
- Recent developments regarding custody and relocation
 - Drafting considerations with respect to a PSA in order to avoid future problems regarding/custody/access and/or relocation
 - Case updates with respect to the above
- 11:50 a.m. **PIZZA LUNCH**
- 12:45 p.m. **KEITH SCHULEFAND, ESQ., *LAW OFFICE OF KEITH B. SCHULEFAND***
- When can you terminate maintenance based on co-habitation
 - Drafting suggestions with regard to co-habitation, whether you are the payee or the payor
 - Veterans benefits – are they distributable? Can they be used in the calculation of support, maintenance and add-ons?
 - Recent cases with respect to the above issues.
- 1:20 p.m. **SHARI JO REICH, ESQ., *KENNEY SHELTON LIPTAK NOWAK, LLP***
- Recurring ethical problems in matrimonial practice
 - When a client does not want to fully disclose his or her assets
 - Exceptions, if any, on client-confidentiality
 - Rules regarding civility
 - How to proceed if you receive a letter from the Grievance Committee
- 1:55 p.m. **BREAK**

- 2:05 p.m. BARRY COVERT, ESQ., *LIPSITZ GREEN SCIME CAMBRIA LLP*
- Representing a client charged with domestic violence
 - Evidentiary considerations with respect to email, text, and other social media (e.g. Facebook); can I use these things in Court
 - Tape recordings: what is the law, when can they be used as evidence
- 2:40 p.m. HON. DENNIS E. WARD, J.S.C., *NYS SUPREME COURT*
- Preliminary Matrimonial Sheet and the importance of completing same
 - Motion practice: a view from the bench
 - Expectations of the practitioner at a preliminary conference
 - The role of the Court with respect to settlement, hearings and trials
- 3:15 p.m. HON. MARY L. SLISZ, J.S.C., *NYS SUPREME COURT*
- Expectations of a practitioner with respect to proper Affidavits and Documentation as it relates to Motions or Order to Show Cause
 - Maintenance and Child Support guidelines on a Temporary Motion
 - Temporary Counsel Fees; what is required
 - My observations from the bench so far
- 3:50 p.m. – 4:00 p.m. CLOSING REMARKS/ADJOURN

Erie Institute of Law Registration Form – Advanced Elements of Matrimonial Practice



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