

Civil Law

Family Law Assessment 3

Mitch and Kathy marry after meeting in law school. They both obtained employment at a high profile law firm after graduating. After two years of marriage Kathy became pregnant with the parties' first child. Kathy took maternity leave and returned to her position after four months. When their second child was born, four years later, Mitch decided to take paternity leave to stay at home and care for the children. While the children were in pre-school, he took on regular volunteer work at a local public interest firm. This developed into a part-time, paid position once both children became enrolled in a full day school program. Kathy's legal prowess has earned her the status of partner at the law firm where she is employed. She now earns \$250,000 per year. Mitch has been earning \$ 30,000 and has recently received an offer from his public interest firm for full time employment at double the salary. While Mitch believes that he could earn more at a firm in the city, he has become accustomed to having time to attend school meetings and extracurricular activities for his daughters. Also, he enjoys the work he does at the small, local firm, part-time. After seventeen years of marriage the parties have separated. The children are 15 and 11. . Over the last few years of their relationship, Kathy has become increasingly irritated with Mitch's lack of interest in professional advancement. Recently, she has developed a social relationship with a co-worker which precipitated feelings of dissatisfaction with her marriage to Mitch. In turn, Mitch has felt inadequate and unappreciated and has developed a relationship with a neighbor who is often home in the afternoons. Last week, prior to separation, the parties confronted one another about these sentiments. Kathy informed Mitch that she would be away on business with her co-worker on an upcoming weekend. Mitch accused her of being self-absorbed, shallow and tramp-like after he noticed the seductive looking clothing that she had selected for this "business" trip. He then informed his

wife that if she left, she should not return. She has not. Mitch has since reviewed the prenuptial agreement the parties signed the day before their wedding. The agreement provided that in the event of the divorce of the parties, Kathy would receive custody of the two minor children, and that she would receive alimony from Mitch in the amount of \$500 per month, along with a car and their marital home (which was purchased with a down payment of \$5,000. provided by Kathy's parents.) The marital home is currently worth \$700,000 and is subject to an outstanding mortgage of \$175,000. The agreement further provided that Mitch would be entitled to keep his stock in Verizon, which he had acquired from his mother, prior to the marriage. It was worth \$5000 at the time he received it, and now, it is worth \$20,000. At the time that the agreement was signed, neither party had a lawyer. Kathy drafted the agreement using a legal form book. During the marriage the parties also acquired a lakeside cottage as a vacation home.

Mitch comes to you for advice about his rights, responsibilities and options.

Apply the appropriate law and **Work The Facts!**