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PREMARITAL AGREEMENTS

Most marital disputes are financial. By entering into a well-drafted premarital agreement, parties can protect their rights and enjoy their marriage without having to argue or worry about money.

The procedures and time restrictions for premarital agreements have become increasingly complex, so it is important for both parties to act early and to hire independent counsel, either for the drafting of the agreement or to review the agreement.

POST-NUPTIAL AGREEMENTS

Married couples may be surprised to learn that estate planning documents can transfer property rights upon divorce even if the estate planning attorney expressly intended the transfer “for estate planning purposes only.”

Other seemingly innocent acts such as refinancing can eliminate community property rights in many cases unless the parties have a separate written agreement preserving those rights.

Agreements entered into during marriage can help to clarify and protect each party’s rights. Once again, you can avoid arguments and worry, enabling both of you to enjoy your marriage.

FAMILY LAW MEDIATION

If you are having issues in your marriage, or if one or both of you believe it best to end the marital relationship, mediation is often the most amicable and cost-effective way to transition into the next phase of your lives.

Over the past 30 years, so many family law rules have emerged that most issues between spouses are straightforward and can be resolved easily. In most cases, it does not make sense for parties to waste time and money going to court, only to leave their fate in the hands of a judge who is impartial to each of your needs and who has scores of other cases on his or her agenda.

Mediation can be done in several ways. Both parties can hire one attorney to mediate the entire case, prepare all of the paperwork, and complete the case, thereby saving the cost of two lawyers.

Alternatively, parties who already have lawyers can mediate via a third, neutral lawyer who can issue recommendations and prepare a marital settlement agreement that protects both parties.

FAMILY LAW LITIGATION

If you do not feel that mediation is an option, or if your spouse or ex-spouse will not agree to mediate, then you may have no other alternative but litigation.

Judges do not like receiving piles of paperwork, and they routinely order sanctions against parties and attorneys who abuse the other party and the judicial system.

If you are going to engage in litigation, be sure that you retain an attorney who is not only skilled in the law but who also knows how to manage a case in an efficient and professional manner.

You might be a wonderful person, but if your lawyer's personality leaves much to be desired, an otherwise impartial judge may rule against you in areas where discretion and attorney conduct are at issue. If you want to outmaneuver a shark, hire a dolphin.

FAMILY LAW APPEALS

Judges do their best to follow the law, but they are human. When a judge makes a mistake, the consequences can be devastating. If a judge has erred, you must act immediately.

