

SCENARIO #1
(The Ballbuster-Banger scenario)

Parties married 18-years, no kids. Wife (Barb Ballbuster) is 48 years old, she has been a solo family law attorney for 19-years, and she averaged \$150k to \$200k per year for the past 5-years working mostly out of the home. Husband (Wall Banger) a high school graduate, is 50-years old. He was a drywall installer earning \$48k per year, but he was laid off 3-months ago, and as he looks for work he has taken a part time job as a greeter at Wal Mart earning \$18k per year. Banger had a Real Estate license, but it went stale several years ago. He is getting by with help of his new girlfriend (Talented Trixie), a trust baby with substantial economic and physical resources. (There is no common law marriage).

Permanent Orders entered in June 2007 requiring that Ballbuster pay \$2k/month to Banger for 6-years. In May, 2008, shortly after Trixie moved in with Banger, Ballbuster decided that it was time to retire from law because the divorce wars were too stressful, so she began winding down her practice. She now has only 3-clients, and their cases will be closed soon. Ballbuster files a motion to reduce/eliminate maintenance, claiming she can no longer handle the stress and long hours of divorce work, alleging in her motion that it is appropriate for a divorce attorney to be able to retire at about 50-years old, considering the high level of stress and work she has endured for nearly 20-years. Ballbuster has enrolled in a massage therapy course, hoping to get her certificate in one year, and to then earn \$40k per year within 3-years as a part time massage therapist.

Banger files a response seeking an **increase** in maintenance due to his involuntary underemployment and Ballbuster's proven ability to earn at least \$150k/year.

At Permanent Orders the court divided the parties' retirement accounts, awarding to each approximately \$100k; and found that Ballbuster's monthly expenses were \$8k-- Banger's reasonable needs were \$6k per month. Is maintenance modified? Higher or lower? Any change in duration?

--Same as above, but assume Banger has primary custody of 3 kids, so Ballbuster owes child support.

SCENARIO #2
(The “this really happened” scenario)

Parties married for 17 years. Wife was primarily a stay-at-home parent, although had done office management work, last earning about \$40,000 some 5-6 years ago. There are three children, 16, 13, and 3. Another daughter, who was three at the time, died tragically just over two years ago. Although Wife had some alcohol issues prior to the child’s death, they worsened considerably after the death of the daughter. Despite four stints in rehab in the past 18 months, she has not been able to maintain sobriety for more than 2-3 weeks at a time. As a consequence, she is not presently seeing the children and has agreed not to do so until she can demonstrate consistent sobriety. She had two DUI’s within several months’ time, including one where she was charged for leaving the scene of an accident and driving under revocation. Wife is facing some jail time on these charges. Wife is hoping to be able to resume employment if she maintains sobriety.

Husband’s work involves travel 50% of the time. He is in a construction related business and his income, which was in a \$140,000 range, is now about \$110,000/year. He estimates that the cost of a nanny will be about \$2,000/month, given that he is gone for a week at a time. The youngest child attends pre-school three days a week part-time and the 13-year-old is enrolled in a parochial school. The oldest child attends public school. The children cannot be left alone when Husband travels. When he is home, he is able to work from home.

What amount and for what duration?

SCENARIO #3
(The Rough, Crash Landing scenario)

Fifteen year marriage. Husband (Crash Landing) is an airline pilot. Wife (Rough Landing) is unemployed. Crash was promoted from first officer to captain last year. The airline recently announced wage cutbacks and possible layoffs, none of which have yet occurred. Crash earned \$131K last year. He announces that he is going to take a voluntary demotion back to first officer in hopes of avoiding the cutbacks/layoffs; and so that he will have better control over his schedule, allowing him to spend more time with the parties' 13-year old twins. Crash claims that he will be making \$65K as a result of the demotion.

The parties bifurcated the proceedings, and the judge awarded Crash 70% parenting time because Rough is moving to Steamboat where she knows no one. Rough did not work much during the marriage - she was in the mortgage industry before the twins were born, but hasn't worked since. The Petition for dissolution was filed 13-months ago and Rough has not sought employment, claiming that at age 50, with only a high school diploma, she cannot find adequate income. Rough has met with a college advisor and thinks she might want to become a psychologist, after completing a 4-year degree. She is uncertain what her income will be as a psychologist. She wants to enroll next August, but she could start her first semester in January.

Crash points to Rough's earnings of \$30k before the twins were born, and seeks imputation of at least that amount today, claiming that he cannot afford 100% of Rough's support and tuition for the next 4-years. The parties agreed on property division and each is taking approximately \$60-\$70K in consumer debt, mostly incurred for living expenses during the temporary orders period. Crash received the home, but it has little equity because the parties borrowed against it to help Rough's sick mother. Crash's 401k was lost to the Airline's bankruptcy.

Rough's Sworn Financial Statement claims monthly needs of \$6,000.00, including an \$800.00/month payment for her Hummer, \$1,000.00/month for therapy, and \$2,800.00/mo. for rent. Crash claims monthly expenses of \$7,000.00, including the 1st and 2nd mortgages totalling \$3,000.00.

How much maintenance? How long?

SCENARIO #4
(The Lumber, Jack & Jill scenario)

20 year marriage. Parties own a business manufacturing log homes. They are luxury second homes, and with the credit crunch and collapse of the housing and mortgage industries, the company is tanking. It has been for sale for a year. Last year they recorded profits of close to \$300K, but most of that money was actually earned in 2006 (payment received in 2007) and although they have taken a distribution this year of \$125K, nearly \$100K went to tax payments. Husband (Jack Lumber) earns \$66K and Wife (Jill Lumber) was earning \$25K - but it was under the table from a relative. Jill quit her job the week after filing for divorce and "can't remember" what she earned. Many of the payments were in cash. It's temporary orders. Jill wants \$3K/month. Jack is paying all the bills and the home where Jill lives has no mortgage - Jack's rent is \$800/month. Jill claims she is disabled due to wrist pain. Unsigned reports are handed over the day before the trial indicating she has wrist pain. There is a chiropractor's note that she should limit work to 20 hours per week.