



Divorce Digest

October 2011

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Greetings! In this month's newsletter, we have included articles written by attorneys David E. Rickett, Lovette T. Mioni, and Kale K. Heiman regarding limited scope representation, business goodwill, and Social Security benefits and divorce. Mr. Rickett's article discusses the use of limited scope representation to keep the costs of divorce litigation down, while Ms. Mioni's article provides insight on how the value of a business is determined. Ms. Heiman's article discusses the affect divorce has on Social Security benefits. We hope you find these articles informative and we encourage you to visit our website www.divorcedigest.com to review other articles written by attorneys at The Reape - Rickett Law Firm. You can also find our articles in The Magazine of Santa Clarita. Also please check out our new blog, www.divorcedigest.com/blog/.

Sincerely,

James Reape and David Rickett
The Reape-Rickett Law Firm

BUT I CANNOT AFFORD AN ATTORNEY!!



By David E. Rickett, Esq.

Well, times are changing! A new phenomenon is taking place in family law litigation and it is called "Limited Scope Representation" (LSR). Currently, there are large numbers of family law litigants who appear in court representing themselves. They appear on the day of their hearing ready, willing and able to get their matter finally resolved. They have waited months, if not years, to resolve their issues and move on with their life. The other party, generally representing themselves as well, also appear ready to get their matter resolved. Both parties have taken the day off work and for some, made arrangements for child care or transportation. Everything is in place - or so they think. Time and time again I see these type of cases in court. The case is called before the Judge who tells them their paperwork is not correct, or has been improperly served, or was set on the wrong date. Ultimately, the court cannot proceed and the parties need to refile their papers and start the process all over again. Not an efficient way to proceed and it is all because they thought they could not afford an attorney!

Now under the LSR, a litigant can hire an attorney for one or several issues. Generally, the litigant decides what tasks are necessary: Drafting documents, filing court forms, negotiating with the other party, making court appearances, understanding procedure, attending settlement conferences, contacting witnesses, and other necessary tasks. LSR is an excellent fit with family law cases because there are oftentimes areas in family law that can be handled independently of other areas. Thus, you don't necessarily have to have a large retainer to hire an attorney for your entire case. You, as the consumer, determine how much you want to spend and how you want to spend it. Now, thanks to LSR, there is no reason you should not be able to get quality advice or services and have your case completed in a timely fashion.

Staff Spotlight



Tim Blankenship, paralegal, received his Paralegal Associate's degree in 2011 and is currently working on obtaining his Bachelors degree in Legal Studies. Prior to joining the Reape-Rickett Law Firm, Tim volunteered his time with the Neighborhood Legal Services of Los Angeles County at the San Fernando Courthouse, assisting low income residents with family law matters. Additionally, Tim completed an internship in the Family Law Department with Los Angeles Superior Court. Transitioning into the legal field, Tim comes from a diverse public service background in Law Enforcement and with the United States Marine Corps. Tim has lived in Santa Clarita for over 20 years and is active in the community as a coach and referee for the American Youth Soccer Organization (AYSO).

Half the Assets, Half the Business, Valuing Your Business In a Divorce



By Lovette T. Mioni, Esq.

Running your own business can be complicated. Just as complicated if not more complicated is figuring out how to address the business during a divorce. When dividing the business, or figuring out what its "value" is, you not only have to take into consideration the actual worth of the assets of the business but also the goodwill of the business. It is possible that in some instances, the goodwill of the business is worth more than the assets.

So what is "goodwill"? Goodwill is the expectation of continued customers. It's the reputation of the company. It's the customer knowing exactly what to expect. It's the brand of the business.

For instance, McDonalds is worth far more than a couple deep fryers, freezers, and paper happy meal boxes. McDonalds is worth the continued patronage of its loyal customers. The customers that purchase an egg McMuffin every morning, or the customers that have the numbers of the value meal memorized. The McDonalds reputation is worth far more than its assets. That is goodwill.

The legal definition of goodwill is described as "the advantage or benefit which is acquired by an establishment beyond the mere value of the capital stock, funds or property employed therein, in consequence of the general public patronage and encouragement which it receives from constant or habitual customers, on account of its local position, or common celebrity, or reputation for skill or affluence, or punctuality, or from other accidental circumstances, or necessities, or even from ancient partialities or prejudices...it is the probability that the old customers will resort to the old place. It is the probability that the business will continue in the future as in the past, adding to the profits of the concern and contributing to the means of meeting its engagements as they come in." In re Marriage of Foster (1974) 42 Cal.App.3d 577, 581-582.

Hot Topics on the Interactive Forum

View the hot topics, ask a question, or voice your opinion on The Reape-Rickett Law Firm's [Divorce Digest Message Forum](#).

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***Testimonial of the Month Comment from a Current Client:**

"...You'll always have my continued confidence and trust!! You are AWESOME and there isn't a day that goes by that I don't think of you and how appreciative my children and I am for you and your law firm's help and understanding!! I love you!!"

*This testimonial does not constitute a guarantee, warranty, or prediction regarding the outcome of your legal matter.

So then the next question becomes, how do I value the goodwill? Unfortunately, there is no easy answer or standard formula to determine the goodwill of a business. The value of goodwill in a business is a question of fact and needs to be decided on a case by case basis evaluated on its own set of facts and circumstances.

[Click here to find out how to find the value of goodwill](#)

How Does Divorce affect Social Security Benefits?



By Kale K. Heiman, Esq

Most Americans probably know that the Social Security Administration sends out annual statements that can assist pre-retirees in estimating their benefits in the future. However, few are aware how divorce and re-marriage can affect those resources and knowing the laws surrounding spousal and survivor benefits can prevent costly mistakes. Social Security is the main source of income for nearly three-quarters of all single retirees, and with a national divorce rate of nearly 50%, (closer to 40% in California) many of those retirees are single because they got a divorce sometime prior to retirement. What almost all of those single retirees do not know is that if they were married for at least 10 years to anyone who paid into the Social Security system, they are entitled to some sort of a spousal benefit. The benefit applies even if they got divorced and does not require the beneficiary to have worked and paid into the system themselves. When the benefits are claimed at full retirement age, the spouse applying will be entitled to as much as 50% of the wage earner's full benefit amount. If the spouse applying for benefits worked and paid into the Social Security system for at least 10 years on their own, they can also be entitled to benefits on their own work record, but they cannot claim both their own and their spouse's spousal benefits. They will have to choose one benefit or the other, but they can choose the one that will result in the highest award. When benefits are claimed prior to full retirement age, the amounts will be reduced.

What about if you remarry? When a person remarries before

benefits from a former spouse. However, if they simply postpone remarriage until after age 60, all of the rights to a former spouse's benefits are kept for life. This means a couple that remarried at age 58 would not be able to claim Social Security spousal benefits based on the records of their former spouses unless they got a divorce and then waited to remarry after they reached age 60, when it would no longer impact their rights to their former spouses benefits.

In the case of multiple marriages and divorces, a person might be eligible for benefits based on the earnings records of each of their former spouses, but they can't apply for more than one. They will have to choose the benefit from the spouse with the maximum Social Security earnings that will provide the most money. It is also important to keep in mind that survivor benefits will equal 100% of the working person's entitlement while spousal benefits are 50%. This means a person choosing between claiming spousal benefits and survivors benefits can select the one that pays the most. As you approach retirement age as well as when you are going through a divorce, it becomes increasingly important to understand spousal benefits and survivor benefits in order to avoid making mistakes that can cost a lot of money in the long run.

The Reape-Rickett Law Firm

Our mission is to provide Family Law legal services that are second to none. We conduct ourselves in accordance with the highest ethical standards and are committed to providing quality services. Each firm member takes special care to understand the unique and individual concerns of our clients. Our team approach to each case ensures efficient and timely responses to simple or complex issues. We empower our clients with knowledge and information, enabling them to make reasoned and results-oriented decisions. The Reape-Rickett Law Firm is the firm of choice when results matter.

