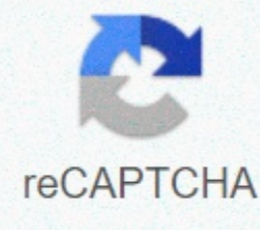




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Waiting for someone to get divorced

If the state of your marriage has deteriorated to the stage where the D-word has crept into your mind, what should you do next to help you make difficult and life-changing decisions? Nicola Harries, partner at Stevens & Bolton LLP, give us some guidance. 1. Relationship counseling Many relationship problems are the result of a basic inability to communicate. To solve deep-rooted problems, it is essential that communication channels are reopened. Counseling will provide a forum where issues can be aired and (hopefully) resolved. Even if the problem cannot be solved, the ability to communicate effectively will be an invaluable asset for both partners if they do their separate ways, especially when children are involved. 2. Legal advice and fees Making decisions in an information vacuum is not recommended under any circumstances, especially as important as the decision to divorce. Many women in unhappy marriages may seek advice from their closest friends and relatives. Although the moral support of these places is clearly important, no two divorces are the same. It can be very unhelpful to rely on anecdotal reports about what has happened in someone else's divorce. If you are considering a divorce, it makes sense to proceed with realistic expectations about what might happen in the future, with respect to immediate legal proceedings and long-term outcomes. Starting a divorce with unrealistic expectations founded on the un related experiences of others is a recipe for disappointment and acrimony. Legal fees may be higher, as it is more difficult for couples to move down from their un accomplished goals and reconcile themselves to (what the court would see as) a reasonable settlement. 3. Choose a lawyer you will work closely with your lawyer during your divorce, so meet some lawyers to make sure that you choose the individual you are comfortable with. Here, the recommendations of friends can be very helpful. Or, use resolution. Family lawyers who are members of the Resolution subscribe to a Code of Practice that requires them to approach things in a constructive and not confrontational manner, and pay attention to the long-term impact of what is said and done during the divorce proceedings themselves. Tempting as it may be when you feel hurt to consider a lawyer who promises to take your partner to the cleaners, such an approach is often damaging (especially where children are involved), and is of course more expensive. 4. Children Do not be tempted to break the news of divorce to your children unilaterally. News such as may not come as a complete surprise, since most children are in tune with the atmosphere between their parents. However, when delivering such life-changing news, it is better if the decision to divorce is put to the children as a decision with the parents, even if it is not Delivering the news in this way is better not only for children, but also for parents in the long run. Children will find it harder to play one parent against another during the difficult period ahead if the parents have presented a united front at a difficult time. Like this? Why not read... Is a DIY divorce a good idea? 8 steps to a friendly divorce>Create consumer advice from Good Housekeeping This content is created and maintained by a third party, and imported onto this page to help users provide their email address. You may be able to find more information about this and similar content on piano.io THE DIVORCE ITSELF IS NOT WHAT Duane Meulners – he has been through the experience twice before. Not the money either. The Silicon Valley entrepreneur had already offered to pay his estranged wife \$4,000 a month for support. What really shook him was the possibility of losing control of Dymek Corp., his \$10-million manufacturing company. Meulners paid too much attention to a friend, a company founder in Los Angeles, whose ex-wife had received a portion of the business through California community property law. The woman then used her new powers to work with the vice president and choose her ex-husband from the job. What if Kathleen Meulners was awarded enough stake in Dymek to expel Duane? Divorce is not an ongoing risk. He's having problems with his wife, he's telling hitmen, problems that need to be eliminated. But, in the fall of 1984, before the deed could be done, the Meulners were arrested by a supposed contract killer, who was actually an undercover cop in San Jose. Under interrogation, Meulners denied any intention to kill his wife, and pleaded leniency. There are, after all, 50 of its employees and Dymek customers around the world to consider. I'm a 90% shareholder in that company. If I get off the tube, that whole company, the whole business, a whole lot of work, a lot of people holding shares, hoping that it's going to be worth something one day -- [that is] all going to go down that damn tube. The Meulners eventually pleaded guilty to a charge of solicitation of murder. His sentence was a year on furlough work, five years of probation, and a \$5,000 fine. Things turned out not to be so good for Hawaiian dairyman Robert V. Toledo, who was shot and killed by the woman he was trying to divorce, a former island beauty queen named Gertrude Kapiolani Miller Toledo. The jury found that Mrs Toledo acted in self-defence when, during arguments over the distribution of their millions of dollars in marital property, her husband came at her with a knife. As in the case of the Meulners, money is not the problem that drives Toledo into Here too, there is a settlement on the table. But, while Kathleen Meulners makes no demands on her husband's business interests, Mrs Toledo has stated she will receive nothing more than half of her husband's dairy operations have inherited and built Oahu's largest. Toledo was angry. A friend, testifying at a mid-1984 trial, recalled hearing the man threaten his wife with a knife two months before the shooting, saying, I'm going to watch you die before I give you an inch square of milk. Even a decade ago, such fears that divorce might gouge companies out of the grasp of employers would be considered both legally and socially preposterous. Why would a housewife want, let alone decent, equity in her husband's company? Gradually, gender and job descriptions have been removed from the criteria for who gets what in a divorce. Today, the law generally assumes that both parties to marriage contribute - financially or otherwise - to any and all marital assets. And that includes the company. A recent study of divorce in Los Angeles County found that the number of divorce settlements in which a business is involved doubled, from 5% to 11%, in the decade from 1968 to 1978. Lawyers across the country are reporting similar increases to the spread of divorce reform that is generally west to east. Currently, if a person or both spouses have an interest in a business that begins, is acquired, or gets value during a marriage, it can be expected to be part of the distribution of divorce properties – along with houses, boats, and so on. The only question from state to state is how each part of this marital property will be divided - whether it will be close to a 50-50 separation of marital assets, as in nine state-owned communities, or, as is the case across the nation, a fair distribution of the entire list of assets. Many business owners, such as The Meulners and Toledo, hear companies and property marriages in the same sentence and jump to the conclusion that courts are out to put their exwits into executive offices. Not even that. While each state case book shows a decision in which a woman wins control of a business interest that has been financed or managed by an ex-husband (she provides capital for a hair salon, but she has a hairdresser's license, for example) most legal observers consider them coincidental. In fact, it's rare to see stocks change hands at all - and when that happens, neither the judge nor the couple are much happier with the arrangement than the entrepreneur is in. For couples, this is a practical problem: no one with a more attractive alternative wants to be a powerless, powerless minority shareholder. The court, meanwhile, views the purpose of divorce as a deciding bond, not keeping the couple bound by mutual investment. that's why most settlements seek to pay non-operating spouses a share of the company's equity not in stock, but in cash or other non-business assets. But what if the cash settlement is so big that employers can't afford it? Many owners of corporate companies that the judge would force them to sell, to take partners, to go public – perhaps even declare bankruptcy or liquidation – only to come up with funds. Again, such results have been reported in nearly every state, but lawyers say the measures have often proved less a court-ordered remedy than strategic decisions made more timely by the businessman's pending divorce settlement. Where cash solutions represent difficulties, good judges, dealing with friendly entrepreneurs, are usually more than willing to work on payment schedules that avoid draconian measures. No divorce court is interested in endangering geese that lay golden eggs. However, employers die right in the war on divorce, especially if they are among the estimated 3% to 5% of all filings that increase to litigation levels. The enormous cost of the ordeal, both emotionally and financially, can cripple the company and its chief executive. Entrepreneurial decision-making is disrupted, and strategic planning is hamstrung during the trial process. The partnership was strained by pressure of subpoenas and deposition production documents. And that's not the worst of it. If the case becomes such a pitched battle the word divorce leaks into the grapevine of the industry or newspapers, the company may begin to seem unstable to customers, lenders, and investors. More than a few divorce spats have been known to spawn spin-off lawsuits and even criminal prosecutions. But the saddest stories are the entrepreneurs who sabotage everything they've worked on by letting their egos - and their deeply ingrained need to control not only their company, but the divorce itself - prevent them from doing what's best for the business. In Chicago, for example, there are pending divorce cases that might kill not one, but two companies, and possibly send several people to prison before the final edict is issued. Norman Karef's \$8.5 million printing company accounted for more than 80% of Joan Karef's million-dollar courier business - that is, until their divorce heated up and she took her delivery elsewhere. He has begun calling his company's customers, in a move he says is hurting most of his business. Throughout this case, there have been allegations and contralocation of spies. There has been violence, both real and threatened. Eventually, the commotion caught the attention of the FBI, which stepped in - complete with secret informants wearing hidden microphones - to investigate allegations that Norman Karef's company paid kickbacks on several large printing contracts. His company, Earl Lee sold last fall; hers, Evergreen Air Express Co., floundered; and their former customers and business associates read all about it at Crain's Chicago Business. Three years after the first one proposed, no party seems inclined to settle. Entrepreneurial divorce statistics are hard to come by, but only half of the jest that some company founders say they build longer and stronger relationships with their accountants - or with their divorce lawyers - than with their spouses. For many, marital strife is just another job hazard. If the physical and financial drain of getting a new company into the black doesn't cause problems at home, the tension keeping it there will be. Everyone has been through it at least once, a sign of a California manufacturer who has been granted his divorce, but has been haggling for two years over a property settlement that will make it all final. I had lunch recently with four people, and we counted 11 weddings around the table. At one time, conversations within such a group would be a fraternity joke, one trying to top the other with personal spy stories and alimony demands. Now the talks are technical, and very serious - all about business valuations, limited stock agreements, and vague references to damage control, a euphemism for hiding money from one's spouse. For entrepreneurs, divorce has become just plain for business, explained the founder of an investment banking company that has been through such trials. Worse than seeing your market dry up, worse than having your bank call in your loan, even worse than losing most of your main employees. On some level, typical business owners live to the challenges of periodic business trauma. But this one's different. In the divorce, the businessman is forced to stand up, frustrated, as a series of paid gladiators fight for the fate of the company. Divorce lawyers (who call themselves marriage lawyers with the same logic that allowed President Reagan to call the MX Missile Peacekeepers) demanded many documents and days of negotiations or deposition time. Business valuations - one for each side - claw through closely guarded business records, investments, and facilities with as much glee as if they were throwing underwear drawers on the sidewalk. To some extent, the entrepreneur's biggest fear is already manifested: the business is no longer fully under his control. Then some judges, whose business knowledge might stop at balancing checkbooks, will tell me how much my company is worth? The California manufacturer's voice was twitching with a combination of anger and anxiety. By placing value on his company, which may be different from himself, the court substituted his judgment on how to run a business for him. If that person sees the offer that I in 1984, when I thought of selling the company, he would see someone willing to pay \$1 million. But that includes noncompete for me, and I have no intention of retiring. I told you this business is worth \$600,000 today. If the judge goes by with Figure, though, I'll owe my wife \$500,000, not \$300,000. For him, there are more than principles at stake. Not only do I not have that amount of money, I can't sell for that amount, and the company can't carry that amount of debt. You see why I'm a little worried? The subjective nature of the assessment process is what makes it so daunting for employers facing divorce. Unlike large, publicly traded companies, which can be rewarded with little more than calculators and stock tables from local newspapers, there are no useful benchmarks for assessing small and individual businesses. Those who have thought ahead rely on pre- and postnuptial agreements, or such estate planning devices as restrictive stock transfer agreements. But entrepreneurs who have knelt to such a level of planning are an anomaly - and in the opinion of some, may be too conscientious to have a partner to divorce. Let's face it: even the loudest CEOs, the people who get everything in writing, become believer souls when approaching the altar. It's just not very romantic to affirm a prenuptial agreement with a marriage proposal. So unless there is inherited wealth, any discussion of who owns what, and who gets what in case of division, is usually avoided. Similarly, post-traumatic agreements are shunned because of their potential to be self-fulfilling prophecies. Who, being a healthy mind and relative marital happiness, goes to a couple and says, honey, let's talk about what would happen if we got divorced? From this estate planning device, the most common is a sale and purchase agreement, which helps assessors by setting the price of how much the company's shares can be purchased. However, such documents can be worse than useless for employers facing divorce if they contain vague formulas or outdated numbers. That's why many lawyers and accountants recommend the inclusion of a sunset clause in such agreements, arguing that it is better not to have a trade than to be governed by an expired one. Some experts also recommend that trades, designed to deal with contentious issues, be spoken out to address divorce directly. One variation will make the entrepreneur (or other shareholder) face the divorce of selling all the shares to his spouse immediately, at a set price. It seems that such a technique, while not defeating the couple's claim to the economic value of equity, will keep the company from becoming the battlefield where divorce is fought. Then again, techniques such as will require employers to do exactly what they don't want to do: sell. There are no strategic or financial benchmarks to guide the process, it is up to the assessors to determine exactly how the company should be valued. While assessors will have you believe their profession is more of the right science than arcane art, even terminology is Weighted averages and multipliers sometimes turn out to be the result of appraisal conversations with unrefined experts in the field. Such keywords as the value of the concern will be (the value inherent in the business when all the tangible assets and people required to operate the company are in place) and goodwill (usually defined as the recognition of the company name, along with its perception in communication as an entity capable of delivering quality goods or services) is a catchall title that can be created to cover anything desired by divorce appraisers and lawyers. However, it may be better to try to take advantage of all this impe properness than to rely too heavily on overly rigid methods. There is a horror story of entrepreneurs whose businesses have been judging only by their balance sheets and income reports as a guide. Others have seen supposedly knowledgeable assessors cop out and reward their companies according to Internal Revenue Service criteria, which require closely held companies to be compared to publicly traded entities in the same industry - a method that makes guesses look scientific. Perhaps most unusual of all, ratepayers don't see the company through the eyes of its founders. They value businesses as buyers, maximize potential profits, minimize management costs, and pay no attention to tax rates that encourage entrepreneurs to do the opposite. If I see a CEO taking compensation worth \$500,000 a year, I can add perks and some salary back to the company and, based on market rates for managers in that industry, show compensation worth just \$150,000, explained Neal Fisher, CPA Chicago at Miller, Cooper & Co., whose specialty is valuation. That's good news for a CEO who is interested in withholding alimony payments by showing less revenue. For those whose main concerns are the company's disposition and the size of the cash settlement, the news can be very bad. That's \$350,000 more to add to the company's operating income, which, when viewed by an appra appra judge, fisher said, could result in an increase in the company's value that could be several million dollars. \$10,000 a month to support? Just a little cash for you, huh, man? Joe DuCanto, a Chicago divorce lawyer and tax expert, teased one of his train trading clients on the phone. His company, Schiller DuCanto & Fleck Ltd., represents many business owners, and the planning advice she gives her clients is very difficult, traditional, and proentrepreneur: stay away from joint rentals, where the marriage partner is also a legal business partner. Shared rentals automatically make the company marriages that can be divided. And if the divorce is in offing, do your best in law to protect the flagship and to protect your interests from possible fragmentation. But do not ask DuCanto pity the poor poor I represent both sides, and it's the wife, the in-operation couple, who actually takes it in the flesh. He [the businessman] has a selection of solutions that he didn't do. Partner Donald C. Schiller, chairman of the American Bar Association's Family Law Section, agreed. He has the resources. He knows what it is -- and isn't -- in the books. She also knows that, no matter how much she brags about skimming or unreported income in pillow talk, she won't pursue it or won't find it. It won't go after her, Schiller says, because she doesn't want to go to jail: she may have participated in her husband's fraud, or by signing a joint tax return, can be shown to have real knowledge of her hijinks. Won't find it, DuCanto adds, because only the most vengeful - and wealthy independents - wives will dig deep enough to prove their suspicions. Schiller DuCanto & Fleck ready to track every last 50¢ Piece. Their appraisers have been known to confirm unreported income from pizza salons and falsified sales records from a bar by counting cardboard rounds and swizzle sticks. But such a financial spade is expensive and still may not unearth what the businessman has buried. Many of these people have been preparing for divorce for years, says DuCanto. Just as the CEO is inflating the company's value to attract buyers by accelerating revenue and suspending spending, it is an accepted fact among lawyers that an entrepreneur facing a divorce would deflate the company's presentment value by doing the opposite. One business consultant in the Chicago suburbs, anticipating the breakup of his marriage, considered tactics such as getting into a separate bank account, building new trusts, investing in side businesses, paying his taxes upfront, and indulging himself in larger but less obvious facilities - all of which are divorce shelters that valuers are unlikely to trace. In the end, he decided it was not worth the furtive energy. His strategy, rather, was to convince his wife that the business was more stagnant than prosperous. It was pretty simple, the consultant recalled. First of all, shut the. You say nothing at home – nothing positive, anyway. Even if you land a big contract, you say things are only OK at work, because you don't want things thrown back in your face in court. Then, at the end of each quarter, you put everything in the worst light possible, and you tell your accountant you him to do the same. It was exhausting, it was stressful, and I had no idea that I would do it again, but it worked. Consider, too, the California manufacturer is still awaiting completion of its properties. His company, which, by state law, will not be rewarded until his property distribution case goes to court this spring, has suffered a sudden fall in business since he and his wife separated. Parted. performing better than its average competitor, the company's revenue this year fell by 28% the same as that reported by other industries. Earnings also fell. It's partly an industry condition, and partly that I have to reinvest - spending a lot of money on executive compensation packages for my top people, stock plans, and things like that. You should address the company's long-term problems periodically. But in describing his bad luck, he sounds suspicious. Divorce court judges will tolerate little shade of financial correctness and some coincidental business setbacks. They would even ignore a bit of tax fraud - in fact, more than some have glanced at bank loan applications and other telltale documents produced by opposing lawyers, and reported from the bench that they didn't want to hear about it, according to Los Angeles divorce attorney Jan C. Gabrielson. They don't want to know how much cash has come home, he said, because it puts them in a difficult position. As one of the judges who participated in the seminar with Gabrielson told the audience, Did I expose one or both parties to allegations of criminal tax fraud, or did I settle divorce litigation based on reported income? Judges, however, don't like to swallow overt cookbooks, the kind that are clearly intended to boil down marital-property rights or spouse benefits. Sudden changes in business conditions or status are almost always scrutinized. Courts also pay more attention to defensive tactics such as shifting income or predivorous stock to sympathetic observers, including partners or family members. One Miami-based clothier, for example, cut his salary from \$120,000 a year to \$70,000 when his wife filed for divorce. Interestingly enough, his brother, who is a partner in the business, got a \$50,000 raise at about the same time. If there's a plan for the CEO to get that money back, it's never out in court. The judge in this particular case chose not to explore a clear income shift, because he didn't want to spend time, said opposing attorney Melvyn B. Frumkes of Frumkes & Greene. However, there are similar but less successful ruses in other states. In some of them, partners are known to have paid taxes on additional income before returning the wind under the table to an soon-to-be-divorced businessman. A more elegant twist to this kind of predivora planning involves the Chicago businessman and his partner's father, who signed a stock exchange agreement about 18 months before the businessman filed for divorce. after the planning documents were inked, the company began to redeem the father's shares at a greatly increased price, draining most of its profits. At the same time, the businessman slashed his salary from \$100,000 to \$25,000. 25,000. In Illinois law, he may have used the business to protect his company and its revenue from divorce decrees. But he chose not to take the risk, and settled with his wife out of court. A New York state legislator, who sought to ease the violation, has introduced a bill that would instruct judges to look at any property transferred within three years of the start of divorce proceedings to determine whether it has been done in accordance with the act of marriage. Some entrepreneurs don't stop by just juggling dollars and cents. Founder of J&P Co., an Illinois gas and oil distributor with stations at about 100 locations across the United States, simply dissolved the company's joint lease by signing his wife's name on the necessary paperwork. The court upheld Lester Wright's right to transfer the company's shares to a trust owned by him. But on appeal, Josie Wright won - interest was still hers, and she was allowed to sell her shares. The most insolent and desperate damage control tactic, of course, is to pull the plug on the business and shift assets to some new - and perhaps, nonmarital - properties. Watch the California meatpack case that stood in the middle of his divorce trial in 1984 to introduce his bankruptcy attorney. In Pennsylvania, a woman who had started a company with her husband locked her up when the marriage failed, liquidated the assets, and transferred the proceeds to a second company. Court-appointed recipients step in only as a second liquidation will begin. Even after the settlement of the property is negotiated or established, judicial action can proceed. There are cases of an Ohio watertreatment company, for example, that was valued by an entrepreneur appraised at about \$1.7 million, by his wife of about \$5.5 million. The judge went several months with a lower estimate. But after the final decree, it was discovered that the entrepreneur had sold the business for \$5.5 million. After the wife's motion, the Ohio Supreme Court sent the case back for some new arithmetic. ALL THIS TALK about financial maneuvering and their legal consequences shouldn't obscure the obvious: divorce is, first and foremost, a very emotional experience. Entrepreneurs who hide money, devalue their companies, and instead withdraw all the usual ethical stops when the enemy is a divorced couple, may seem contemplative human beings. Psychologists, however, say it is more likely that these people responded, however inappropriately, to what they perceived as their most life-threatening blows. Is the blow worse than it feels Under similar circumstances? Unequivocally, yes. There's a reason a man refers to his company as 'my baby,' explains Chicago business psychologist Bernard Liebowitz. The threat of losing it is like losing a major child custody battle, or perhaps perhaps in any of them, at least you can still visit the child when it's all over. Losing a company is different. Such a loss, or threat of one, is often referred to by psychologists as narcissistic injuries. The people who make companies invest more than time and money, explained Carol Munschauer, a Buffalo clinical psychologist who has treated patients in entrepreneurial and nonentrepreneurial divorces. They really invest themselves, in the hope of achieving some kind of deep personal meaning. Maybe it's the self-esteem they're in, or the security, or the power, or maybe even parental consent. Whatever business means to them, that's what looks in jeopardy in divorce. Even if there is no chance that the partner will actually take up the business, the entrepreneur often feels that he or she will be diminished somehow – that he will not be considered by the world in the same way. There is a loss of perspective, and, often, a very overreaction. When these narcissistic injuries are combined with other character traits common to employers, the result can be a long, messy divorce. Liebowitz said. Some of these people, especially men, are often what I call bad handlers. While most good controllers understand that control is a give-and-take situation, these people basically don't share what they think they are. They get used to their way - with employees, but especially with a wife. By championing what belongs to her in divorce, these people often see her breaking the basic rules between the sexes. They want to punish him. And because they see most situations in terms of win or lose, they will continue to fight to win - even if it means losing. Unlike bad business deals, they won't give up. There are others, however, whose reaction is not to fight at all. One New England builder's divorce, a decade ago, so deteriorated him that he let the business in on him, recalled attorney Paul D. Pearson, of Boston's Hill & Barlow. He eventually went through forced liquidation, away from his family, and some time later, he was found dead of exposure on a Florida beach. Indeed, the man may have other problems. But the divorce was the start of a tailspin. With that case behind her, Pearson now flatly advises her entrepreneurial clients to consider themselves emotionally disabled during their divorce proceedings, and she almost always suggests psychological therapy. Rare is the business, he counsels, which is unaffected by the founder's broken marriage. I warned them that no matter how they, divorce almost always will, make them less so. They should expect disruption and capacity reduction to concentrate. Having to close the door once a day and cry should not be considered uncommon. Ellen V.B. Lapham, a Silicon Valley entrepreneur, trails her company's failure to deal with a series of difficulties stemming from her psychological stress of parting ways with her husband and co-founder. Syntauri Corp., whose main products are software and components for computerized music synthesizers, liquidated in 1984, at the age of four. It wasn't the divorce itself that was to blame; Lapham and her husband, software developer Scott Gibbs, reached a friendly divorce settlement - one that called for them to go their separate business ways. Problems developed during the transition phase. It's a terrible feeling to have to admit that you're not the superperson you think you are, said Lapham, who was president and CEO of Syntauri and is now part of the all-woman team that tried the attack on Mount Everest. But I found early on that it was very difficult to devote the attention the business needed. Besides, there's a communication problem. Whatever he says to employees or customers, I'll say something different, and vice versa. Since we both don't talk, there's a lot of distortion and side-picking. That confusion, combined with an exodus of two-thirds of Syntauri's employees, contributed to the product-backed line. We just don't perform, and our dealers are being affected. Finally, I went to my board of directors and said, 'Guys, I just don't have the stomach for this,' and asked them to bring in a manager. The help Lapham requested arrived at the man Of Allan Fedor, a California turnaround specialist who said Syntauri's last chance to remain a viable company was almost shot by divoce. The company died of a lack of reinvestment money. I needed an infusion of new capital to build a new and better management team, Fedor explained, but I was completely thwarted in raising money. The Everybody I spoke to was interested in the company, positive about the product and its potential in the market, but as soon as I revealed that 60% of the company's shares were tied up in the divorce settlement, the bankers and venture capitalists backed off. They just don't need things like that. For them, it deals with predictable irrationality. Bankers, lenders Syntauri included, deny that a pending divorce, by itself, ever stood between them and a good loan. As a suburban Boston commercial lender put it, If it goes down there, an in-not-operated couple will always come in second to be paid, just behind the bank. Not so with venture capitalists, many of whom say the lack of equal legal protection is just part of the reason they avoid companies in the throes of divorce. What what we want to see is a cohesive group of shareholders, and divorce creates friction within such a group, explained a prominent Venture Capitalist in San Francisco who was at close range when the marital shooting began at several companies. On Vector Vector Graphics where founder and CEO Lore Harp divorced her employee husband, Bob, there was such a division between those who were for her and those for her – it created a stalemate that took two years to resolve. Based on that experience and others, is she worried enough about the divorce and its effect on the company to require a pre- or postnuptial agreement in her deal? I never had, but you gave me an idea. Chicago attorney Charles Fleck, who left a judge in Cook County Domestic Relations Court to join Schiller and DuCanto's divorce practices, said the real losers in a messy divorce will always be innocent bystanders - employees, partners, and other family members. He admires how unconscious employers are for the need to protect these people as much as possible. I have a case now, a management company in the East, that has been rendered completely ineffective by divorce, the former judge said. The person in charge is worthless -- too emotionally upset to make a decision. Her partner left, obviously because she was tired of her life being dragged into divorce for years. Thanks to all the talk in the hallways, what constitutes a 300-employee operation is now down to 50. And it's still protracted. Sometimes, the strike aggrieved back. From Beverly Hills, attorney Daniel Jaffe told the story of the founder of an electronic parts business who sued his recently divorced business partner, accusing the partner of running the 19-year-old company to the ground. According to the court complaint, it only took five months, after the divorce application was filed, to siphon off all the company's working capital and close the place. The company is now, in the words of Jaffe's lawyer, in a paper box at the bank. The company's founder and wife are trying to recover their losses from the personal assets of a man they both wished they had never met. Advice? SOME ENTREPRENEURS who have lived through divorce will dispute the recommendations of a business consultant in a Chicago suburb - the man who spent four years before the divorce trying to make his wife think the company was stagnant: Settled - aggressive, but settled. Get over it. Then get on with it - business, life, whatever. It all became very anti-entrepreneurship, he continued, sounding tired just thinking of the effort that went underground. You work and work to build something that you and everyone around you are proud of, and then, because personal relationships have failed, you find yourself in this really negative situation, doing things that are sneaky, silly, negative. And doing negative things is not something you - or - recovered from last night. It's totally against your grain. But, somehow, you're stuck in it, you know? Duane Meulners knows. As he told the court that punishing him tried to end his divorce with the help of a hit man, a hit man, to kill Kathleen is a fantasy - one that she says she would never do. Oh yes, he planned and he planned -- but nothing sounded more confused by his actions than the Meulners themselves. Somehow I was unable to stop the process that I seemed to have started. Meulners, however, was able to end the divorce - and with it, his fears of losing control of Dymek Corp. After the trial, he and his wife left the courtroom holding hands. As he said, they are now back on conciliatory terms.

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