Welcome!

- Objectives For Our Family Law Reform Conference
  - Stimulate productive, open-minded discussion
  - To listen and seek mutually acceptable solutions
  - To develop action items for change
  - Form working groups to implement reform agenda
The Perfect Storm

• The Adversarial System Is Inappropriate For Fractured Families
  • It picks a winner and a loser
  • Zealous advocacy inflames tensions
  • There has been no effort to simply the laws or the process
  • It is disproportionately expensive compared to family assets
  • It is unnecessarily lengthy, which hurts all parties, particularly children
The Perfect Storm

- Too Much Is Power Vested In A Single (potentially flawed) Human Being
- Professional Allegiances Cloud Judicial Independence and Trump Client Loyalty
- Court-Ordered Professional Fees Do Not Obey Market Forces
The Perfect Storm

• Lengthy Alimony Awards Discourage Self-Reliance – But Generate Legal Fees
• Winning Child Custody Can Be Profitable
  • Parents are motivated to lure children away from the other parent
  • Profit component discourages initiative and self-reliance
• Federal Funding Discourages Shared Parenting Arrangements
• States are rewarded for enforcement of payments but not schedules
• Enforcement programs create $6 billion of make-work jobs per year
Why Now Is Different

• Changes In The Workforce Are Changing Gender Roles
Why Now Is Different

In 2013 this percentage reached 69% - US Bureau of Labor Statistics

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Why Now Is Different

Gender Income Gap 2012

Weekly Earnings for Full Time Workers in Constant Dollars

- All Men
- All Women
- Men 25 to 34
- Women 25 to 34


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Why Now Is Different

Earnings by Occupation

- Health Technologist
- Social Service Counselor
- Pharmacist
- Social Worker
- Construction
- Teacher
- Lawyer
- Financial Advisor

Salaries for men normalized to 100%
There were 27 million employed single workers in the U.S. in 2012. The women in this group earned 96% of what the men earned.

US Bureau of Labor Statistics
Why Now Is Different

Hourly wages of Individuals Working Between 5 and 39 Hours Per Week in 2012. Women earned 10% more than men.
U.S. Bureau of Labor Statistics

![Bar chart showing relative hourly wages for men and women working less than 40 hours per week. Women earned 10% more than men.](divorcecorp.com)
Why Now Is Different

Q9 Should men and women be treated equally under the law?

Answered: 1,070  Skipped: 0

Yes

No

2014 poll of U.S. cross-section over the age of 25
The Scandinavian Model

- Based on Gender Neutrality
- Based on Income Equality
- Does Not Assume a Breadwinner / Homemaker Template for The Majority of Families
- Modern America Is Now Closer To This Than The “Father Knows Best” Model
The Scandinavian Model

✓ Replaces Adversarial System With Mediation and Counseling

Divorces completed by filing a form. There is no court hearing. No judge. No lawyers. Issues are resolved with the help of an accountant, a mediator, and perhaps a counselor.
The Scandinavian Model

✓ Alimony Is By Contract Instead of By Law
  This encourages couples to discuss and agree to an earner model that works best for them

Contrary to what modern U.S. demographics should dictate, per-recipient alimony awards are increasing faster than inflation, suggesting that U.S. courts are out of sync with modern U.S. society and, instead, motivated by other incentives

United States

Source: IRS Table 1.3

Annual Alimony Per Recipient in Constant Dollars

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The Scandinavian Model

✓ Child Support Is Not Profitable

It is a fixed amount, equal to HALF the cost of feeding and clothing a child.

It is only paid by a parent when that parent does not assume their 50% parenting responsibility and the other parent agrees to assume that responsibility.

The amount does not change with percent custody time.

Couples can increase this amount by contract (pre-nup / post-nup).

Custody battles are almost unheard of in Scandinavia.
Child Support in the U.S.

Q10 Should child support be enough for the needs of the child, or should it also include supplemental alimony (spousal support)?

Answered: 1,070  Skipped: 0

2014 poll of U.S. cross-section over the age of 25
Gender Equality in the U.S.

Q13 In the event that two capable caring parents divorce, is it better for the children to spend most of their overnights in one of the parent's homes, with limited visitation by the other parent, or should the children spend an approximately equal number of overnights with each parent?

Answered: 1,070  Skipped: 0

Most of the overnights with...

Roughly equal number of...

2014 poll of U.S. cross-section over the age of 25
The Scandinavian Model

✅ Legal Fees Are User-Pay

In the extremely rare instance of a court battle, each party must pay for their own lawyer if they choose to hire one. This discourages unnecessary litigation.
Even though filing and completing a divorce action in Scandinavia is simple and inexpensive, the divorce ratio is higher in the United States.
Other Benefits To Scandinavian Model

- Alimony negotiated between the parties at the time it becomes appropriate
- Children not exposed to the tensions of a battle over custody, or used as pawns.
- No legal discovery, custody experts, or guardians at litem.
- More money available to send children to college instead of litigation fees.
- Parents are more amenable to shared custody, because their financial security is not impacted by sharing the children.
- Most custody schedules are determined by common sense, and the best interests of all parties, instead of court orders.
- Parents are less adversarial, allowing for more cooperation in raising the children and attending life-events such as graduations and wedding.
Is The Scandinavian Model Right For The U.S. Going Forward?

• To be discussed at the bar 😊

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Why Now Is Different

• The Internet Has Made Video Communication Almost Free
Why Now Is Different

YouTube Has Made Video Distribution Free
We can now reach the 95% who do not read!

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What Can Our Group Do?

✓ Raise Awareness – Conventional Methods
  Social media
  Public service announcements
  Video blogging
  Press releases
  Op Eds
  Media appearances

✓ Raise Awareness – Unconventional Methods
  Demonstrations
  Sit ins
  Publicity stunts (e.g. Ice bucket challenge)

✓ Write Model Reform Legislation
  We need some expert volunteers to draft
  We need to lobby lawmakers

✓ Pursue Legal and Constitutional Challenges
Action Committees

✓ Alimony Reform
✓ Alternative Dispute Resolution
✓ Child Support / Sharing
✓ Constitutional Challenges
✓ Domestic Violence
✓ False Paternity
✓ Judicial Reform
✓ Parental Alienation
✓ Simplification of Processes
Thank You

Simone Jantz
Meagan Piker
Garrett Guidera
Mike Scally

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Let’s Seize This Opportunity

Because by the time they make that U-turn, we’ll be going 160 mph!