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### **Sherri Donovan Quoted in NY Post concerning the Gore Divorce**

Buying an \$8.8 million California mansion months before announcing their divorce wasn't the only puzzling real-estate transaction for the Gores.

A month after snagging the Montebito estate in October 2009, Al and Tipper Gore transferred nine properties in Carthage, TN from their own names into a limited liability company.

The transfer on Nov. 30, 2009 came after an Oregon masseuse lodged a January 2009 police complaint accusing the former vice president of sexual abuse. The woman claims Gore came on to her like a "crazed sex poodle."

Experts say that transferring property is usually a way to protect assets from legal claims.

The Gores bought the California estate through a trust, which can be another way to shield assets, said Manhattan divorce lawyer Sherri Donovan.

Read more at [nypost.com](http://nypost.com)

### **Upcoming Issues**

We'll address important issues in the field of matrimonial and family law. In future newsletters, we'll cover such topics as Hopping Borders: International Custody and Divorce; Same Sex Legal Issues; and Domestic Violence - New Trends, Old Problems.

### **About Our Firm**

Sherri Donovan & Associates, P.C. is a law firm with experience in all areas of matrimonial and family law. Founded in 1988, the firm has over 20 years of experience working with judges in the Manhattan, Brooklyn, Westchester, Queens, Bronx, Staten Island and Nassau County court systems. The firm works on matters involving complex litigation and valuations, as well as negotiating many amicable out-of-court agreements. For more information on the firm and important information that you should know when considering divorce, visit our website: [www.sherridonovan.com](http://www.sherridonovan.com).

## **Legislative Changes in Matrimonial Law**

This summer the New York legislature considered a comprehensive package of divorce reform bills. In mid-August, Governor David Patterson approved the bills, which will take effect in mid-October:

### **No-Fault Divorce**

New York was the last state left in the country where you needed grounds for divorce: one spouse needed to allege and prove grounds such as cruel and inhuman treatment, abandonment or adultery by the other spouse in order to divorce. Alternatively, the couple had to be legally separated for one year before divorcing.

The new legislation introduces the option of "no-fault" divorce, where either party to a marriage can divorce by swearing that the marriage has broken down irretrievably for at least six months. However, the new law permits a court to grant a final judgment of divorce only after issues of property division, maintenance, child custody and child support have been resolved.

### **Attorney and Expert Fees**

In an effort to ensure that there is an even playing field between spouses when there is a significant disparity in available resources, the new legislation will require the monied party in a divorce proceeding to provide for the interim legal fees of the non-monied party. This will enable the less-monied spouse to carry on the action and help to alleviate the serious disadvantages faced by those pursuing divorce while lacking the necessary financial resources.

Previously, the burden was on the non-monied spouse to ask for and justify why an award of counsel and expert fees should be awarded. The new legislation provides for a presumption of counsel fees to the non-monied spouse unless good cause for not providing it can be shown by the other spouse. In addition, the court is authorized to order expert fees to be paid by one party to the other for the use of any experts during the proceeding.

### **Temporary Maintenance**

Historically it has been unpredictable as to how a judge would award maintenance (formerly known as alimony) for the less-monied spouse in a divorce proceeding in New York State. The new legislation sets forth guidelines for judges to use when determining temporary maintenance, meaning only for the period in which the divorce case is pending. The Law Revision Commission will review the legislation at a later point in order to determine whether or not the guidelines should be utilized for maintenance beyond the action. However, it is likely that in practice the use of the guidelines for interim maintenance will set a standard for how the maintenance award will be determined in a case's final divorce agreement.

The guidelines create a formula for judges to use when determining a temporary maintenance award in an effort to produce greater consistency. Divorcing parties or their attorneys may also use the guidelines to calculate what their post-divorce maintenance should be. This could help determine the amount of a party's claims as well as facilitate settlement. The goal of the legislation is to establish a system that will ensure fair, transparent, more predictable and consistent outcomes for the less-monied parties going through a divorce.

### **How the guidelines work**

A formula will be used to arrive at an amount to be paid by the higher earning spouse, whether this spouse is the husband or the wife. In practice, approximately 30%-40% of the couple's combined income will go to the lower earning spouse and 60%-70% of the couple's combined income will go to the higher earning spouse. With respect to the higher earning spouse's income above \$500,000, any additional maintenance will be based on a number of factors, including the length of the marriage, the differences in incomes of the parties, the standard of living established during the marriage and the earning capacity of the parties. The divorcing parties may present reasons for deviating from the guidelines and judges have the discretion to adjust the amount of the award to reach a fair result.

### **About Sherri Donovan**

Sherri Donovan, a top attorney, author and speaker, is the divorce clinic specialist for the Service Fund of the National Organization for Women (NOW), in New York City. She is the author of Hit Him Where it Hurts, the take-no-prisoners guide to divorce, alimony, custody and child support that will be available on Kindle shortly. A graduate of Bennington College and a cum laude graduate of New York Law School, she also spent a year abroad at the London School of Economics. Donovan frequently lectures about divorce for audiences as diverse as the United Nations, the New York County Lawyers Association, CBS News and MSNBC.

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