

The Divorce Lawyers

BY MICHELLE KONSTANTINOVSKY

Love is a beautiful thing. Until it isn't. Then it's a business thing, and that's when the Bay Area's power players call in the big guns, aka Certified Family Law Specialists Anne Cochran Freeman and Monica Mazzei, partners at renowned San Francisco law office Sideman & Bancroft. Over the years, both attorneys have seen their fair share of high-stakes cases, and they've helped countless couples, well, uncouple.

"It's messy—you couldn't do this job if you didn't love it," Mazzei says. "They say divorce is the most traumatic life experience besides death, and even if you're prepared, it's the emotional ending of a relationship; starting over and mourning doesn't go away."

But while Cochran Freeman and Mazzei know all the ins and outs of divorce court, they're equally adept at helping clients lay the groundwork for successful unions. That means encouraging clients to face personal and financial issues head on, resolving would-be problems as painlessly as possible. "It's like a garden," says Cochran Freeman. "If it doesn't get tended to, if we don't talk about these things in advanced marital counseling and anticipate questions, they can hit you upside the head and then you have to deal with them."

The Biggest Divorce Don'ts: "I think the biggest mistake people make is not being in the know *during* the marriage," Cochran Freeman emphasizes. "So then if there's a divorce, they don't know where their bank accounts are or they don't have online access; not keeping up with their finances during the marriage puts them in a less desirable position going in."

"A big mistake is also timing," Mazzei adds. "Don't wait until things are in crisis. If you have an inkling that a divorce is possible, consult a family law attorney. Don't think of it as seeing a divorce lawyer. Think of it as arming yourself with information. The most control you have is when you're married, both in terms of child custody and finances."

California Fault Lines: "California is a no-fault state, which means you don't need consent from the other person; one person can get a divorce," Cochran Freeman says. Another divorce quirk unique to the Golden State? "Affairs don't come



into play in California divorces. Most judges won't even know that information. And there are all sorts of infidelity. We see financial infidelity—that's doing something with one's money or community property without allowing the other person to know, spending it or putting it someplace the other person can't reach it once the divorce

starts. When those acts happen, it's usually an external manifestation of something that's been going on in the marriage for a long time."

The Business of Being Married: "Sometimes we see this with new wealth where there's a very steep trajectory upward," Cochran Freeman says. "People in the younger generation—40 and younger—look at marriage as an understanding, not just a life partner or a romantic partner, but a financial arrangement and an understanding of what they're risking and gaining. So I've had people come to me and say, 'Here's what's going on in my business and in my career,' and they start thinking about what's at risk. Some people might see that as cold and calculated; others see it as really analyzing all the factors."

Pondering the Prenup: "Among the younger generation in the Silicon Valley crowd, prenups are pretty common, and there's not this negative connotation that there used to be," Mazzei says. "People used to call it 'divorce planning,' but it's really 'marriage planning.' Even if you're not coming into wealth, now's the time to negotiate while you still like each other!"

"We recommend at least a discussion to everyone," notes Cochran Freeman. "You're going to have a premarital agreement whether you draft one or not—California drafts one for you. It determines what's community property, what's separate property if you get divorced, whether you get spousal support, and all these factors. Do you want California dictating what happens in the event of a divorce or would you rather have a hand in crafting it yourself?"

Parting Wisdom: "I always like to ask people, especially people caught up in the minutiae, to close their eyes and tell me how they picture their life in five years," Cochran Freeman says. "Most people have a clear picture. Then every step we take has to be in support of that vision."

THE MESSY TRUTH

The legal dynamos always aim to keep things civil—but sometimes divorce gets nasty:

After scrubbing a successful biotech exec's electronics, Mazzei and Cochran Freeman discovered why his wife felt blindsided by the divorce: He'd been living a double life with an international "courtesan" escort, dropping \$10k–\$14k for each weekend getaway.

A high-powered Silicon Valley executive spent more than \$25,000 battling his one-time bride for their antique four-poster bed. Once the divorce was finalized, he set it ablaze in his backyard.



When a wealthy financier filed for divorce, his wife wasn't so keen on his quick dive back into the dating scene. Arriving at the airport for a romantic Bahamas vacation with his girlfriend, he discovered his soon-to-be-ex had hacked into his email and canceled everything from the flight to the hotel.

A well-known celebrity owed a multimillion-dollar payment to his ex-wife in their divorce settlement, but he insisted on paying \$200 of it in pennies. Mazzei and Cochran Freeman pulled the plug on that idea.



Sure, some people have a tough time finding true love (several clients are repeat customers, coming to Mazzei and Cochran Freeman for all of their divorces). But some eventually get their fairytale ending: One couple wound up remarrying a decade after their divorce.