



“OUR GREATEST GIFT ...is to Help Others Help Themselves!”

My name is Irwin Pollack. I’m an Attorney and the Founder of two different law firms in Massachusetts. Our offices are in Norwood, Woburn, Worcester, Springfield and Plymouth.

Both entities practice almost exclusively in the area of family law. Most common are issues involving divorce and paternity (unmarried parents).

If you’ve been thinking about divorce, or you’ve just been served, you will find that your divorce is either contested or uncontested. An *uncontested divorce* is a type of divorce where both of you are able to reach mutual agreements without conflicts or arguments. For these types of matters, clients are best served by our firm **Massachusetts Flat-Fee Divorce Attorneys**.

In an ideal world, all divorces would be uncontested because these types of cases are known to be simple, quick and inexpensive. Additionally, partners who can keep contentiousness down have the chance to speak with one another in clear terms and can also voice their concerns to one another. Additionally, these uncontested matters are favorable in marriages where there are children because the children are not exposed to volatile, ongoing arguments between their parents.

Even if your divorce is uncontested, you could still benefit from retaining the services of a knowledgeable Massachusetts divorce attorney. A divorce lawyer can help you negotiate with your partner, mediate through any conflicts that may arise, keep you informed of your rights and legal options, and ensure that your divorce is handled efficiently.

Uncontested divorce is not appropriate when one of you is being controlling, taking advantage of, or abusing the other. Think about it – you can’t possibly work together if there isn’t a level playing field, so it would be difficult to dissolve your marriage in the context of an uncontested divorce.

An uncontested divorce is also a bad idea when the parties are not able to talk with each other. If your spouse refuses to have any discussion with you about the divorce, and you still remain determined to move forward with the idea that the two of you will work toward agreement on each of the issues, any money you spend with our flat-fee, uncontested model for divorce is likely to be wasted.

Sure, there’s always the chance that your partner will come around later, but if you’re focused and determined on doing this now and your spouse is dragging their feet or digging in their heels, you’ll have no choice but to work with **The Massachusetts Family Law Group**, proceed with a *contested divorce*, and do it the hard way.

When it comes to contested matters, our legal team is aggressive when necessary but we also know that most family law cases settle without the need for trial, so we focus our time, and your money, on trying to reach a fair and equitable agreement in your matter.

Ask any of our lawyers and they will tell you that our favorite cases are those that we can either help the parties work toward agreement and settle quickly, or those where we can take an offensive strategy – file first, and take control of the case early-on.

If negotiations break down and an agreement cannot be reached, you can count on our aggressive approach and our willingness to fight tirelessly for your rights. Our lawyers are in court virtually every day of the week and we advocate zealously on our client's behalf.

Because the plaintiff (the spouse who initiates the court action and first files the Complaint for Divorce) often has the psychological advantage, we put a major emphasis on getting started with the court process. Divorce strategy is our mantra, and we'll likely establish the status quo by filing some of our favorite motions. It doesn't matter what type of case it is. We want the opening shot. We want to design the playing field. We want to start the momentum swinging in our client's favor.

Some of our favorite cases are those where our lawyers are able to apply their extensive knowledge of the divorce statutes to protect our client's financial interests. As an example, Massachusetts Judges are straightforward about the amount of child support or alimony a party must pay. Clients come to us to ensure that an obligor spouse reveals income from all sources (for example, the owner of a family business or self-employed spouse). We use formal discovery in divorce proceedings, as well as subpoenas and outside experts if necessary to uncover shielded income or assets.

We work quickly and expeditiously with little wasted effort whether we are reviewing financial data to determine its accuracy and reasonableness; determining each spouse's standard of living and disposable income; locating hidden assets; and determining what property may be considered separate from marital property, especially if one of the spouses runs a closely held business.

If the party claims to be unable to pay child support, or is deliberately unemployed or underemployed, we consult with vocational experts to determine that parent's true earning potential. We can petition the court to attribute income and compel the appropriate level of support.

Any husband or father who claims that the Massachusetts Probate and Family Court heavily favors women hasn't met the lawyers from our firm. Women no longer have all the power. Now, divorce is a more even playing field and men don't automatically lose everything. While representing men who want to be fathers instead of just visitors may be another group of our favorite cases, we'll still advise you that you do not want to become involved in prolonged adversarial custody litigation unless it is absolutely necessary. If you must engage in this type of proceeding, you must be prepared. With careful planning, skillful negotiation, and a well-executed strategy, we may be able to protect you and your children from the harsh effects of a contested divorce and a heated custody battle.

As our firm continues to grow, we now have attorneys who are considered to be the lawyers of choice in cases where women's rights come into play. We're proud to have assisted, educated and fought for hundreds of women especially those who have left the work force to become the family's primary caregiver.

Another group of cases we consider our favorites are those where we have an ability to "think outside the box." Our team not only possesses this valuable quality, we've earned a reputation as problem solvers. We take on challenging family law issues that other lawyers and law firms won't touch. Here is a snapshot of the type of cases where we shine amongst our peers:

- Former Wife meets with our Cape Cod team claiming that Father pays his court-ordered support, but not a penny more, refusing to pay any portion of the extra-curricular activities of the parties' four children. We file a Complaint for Modification in the Barnstable Probate and Family Court claiming that

Massachusetts Child Support Guidelines state, "In such cases where the Court makes a determination that there are additional child-related expenses such as extra-curricular activities, private school, post-secondary education or summer camps, which are in the best interest of the child and which are affordable by the parties, the Court may allocate costs to the parties on a case-by-case basis."

- Father of a seven-year-old girl (a business owner earning between \$130-140,000 per year) comes to our Norwood office seeking a downward modification of his child support obligation claiming his former Wife (an attorney licensed to practice law in Massachusetts) has chosen to be an after-school math tutor instead of practicing law. Mother says that her \$14,000 annual income is not what she used to earn years past, but should not be a factor in her Former Husband's support order.

Our lawyers, knowing how children have a right to be financially supported by both parents, file a Complaint for Modification making the attribution of income argument to the Court: "It is well-settled that attribution of income is intended to be applied where a finding has been made that either party is capable of working and is unemployed or underemployed. The Court shall consider all relevant factors including without limitation the education, training, health and past employment history of the party, and the age, number, needs and care of the children covered by any support order."

Likely Result: The Court in its rationale will likely find that "...the Mother is earning less than she could through reasonable effort. Accordingly, Father's child support order shall be adjusted forthwith such that Mother's earning capacity (\$55,000) rather than her actual earnings (\$14,000) shall be considered".

- Father walks into our office in Worcester claiming he'd been a stay-at-home father raising the parties' three children since they were born. The parties had agreed that the Wife, a pediatrician, would continue to grow her own medical practice (which had been generating \$225,000-\$250,000 per year since the early 2000's). Upon divorce, the Wife alleged her W-2 from the medical practice clearly showed her 2008 income to be \$105,000 – and that this amount was all she should have to disclose in calculating her support obligation to the Husband).

Having consulted and retained several tax and estate planning experts, the Wife had made several wise financial decisions as it relates to financial planning. Notwithstanding this, our lawyers argue that for purposes of calculating income, gross income is to be derived from all sources including, but not limited to salaries, wages, overtime; interest and dividends; income derived from businesses and partnerships; distributions and income from trusts; capital gains in real and personal property transactions to the extent that they represent a regular source of income, and all perquisites or in-kind compensation to the Wife to the extent that they represent a regular source of income (reimbursements for her automobile expenses, online charges on her corporate credit card, etc.).

If your case is too important to trust to just any lawyer, contact us today. Our phone number is **1-800-910-DIVORCE**.

VERY TRULY YOURS,



IRWIN M. POLLACK