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Dividing Complex Financial Assets In Divorce Mediation

January 02, 2019 | Nicole K. Levy

Categories: Nicole K. Levy | **Mediation**

Divorce Mediator Nicole K. Levy examines the division of complex assets during divorce mediation.



Many people don't realize that *divorce mediation* can include outside experts who assist divorcing spouses with complex financial issues. In divorce litigation, parties will often retain third-parties with special training to assist in the divorce, such as a CPA, business planner or financial planner. For *high net worth individuals*, experts can also include tax professionals, appraisers, and employment benefit experts. An important difference between mediation and litigated divorce is this: In mediation, spouses

often agree to retain a single expert to provide analysis. In contrast, spouses who are litigating their divorce often retain separate experts, then expend thousands in legal fees debating which expert has the correct view. In short, even if you and your spouse have complex financial assets to divide, mediation is just as equipped as litigation to see the case through to the end.

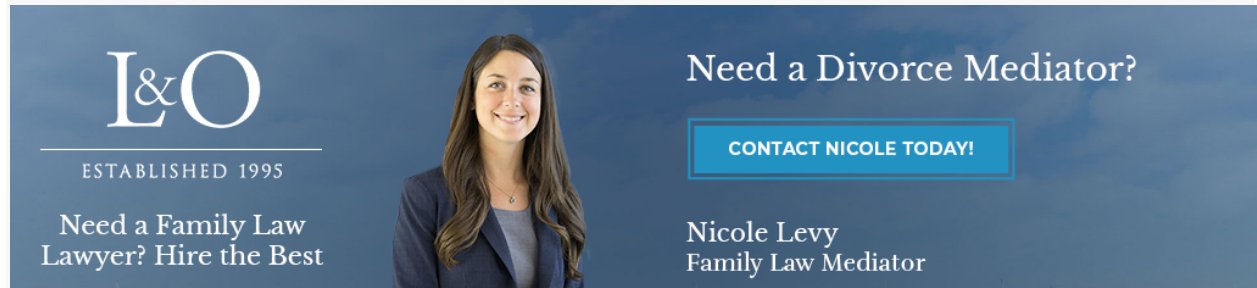
Assets Can Be Complicated: The Use of Experts

Not all assets are equal. The value of assets can fluctuate wildly. In an extreme example, a painting by the graffiti artist Banksy that was *partially destroyed by a shredder* hidden in the frame right after it was sold at auction. (The value of the painting must have gone down, right? Wrong! The notoriety surrounding the shredding stunt made the painting *more valuable*.) Sometimes spouses need an expert simply to determine the increase or decrease in value of a marital asset over the years. Other times, parties need an expert to set an initial value. Determining the current value of an asset, as well as whether it is likely to appreciate or depreciate, is often greatly aided through the use of experts. Determining the value of different assets may take more than one expert. For example, *determining the value of a small business* requires a different expert than a real estate appraisal. Even if you do not own a now-shredded painting by a famous artist, determining the value of your assets is necessary for a divorce. After all: to divide your marital assets equitably, you first need to know what those assets are worth. In litigation this can become a hugely expensive piece of the case, often prompting litigants to re-examine what they are spending.

Mediation Uses the Same Experts as Litigation

Thankfully, the experts and financial appraisers used in litigation can also be used in mediation. If you choose to mediate your divorce, you and your spouse may only need to pay for a jointly retained expert. In litigation, each spouse generally hires their own expert appraiser, and then argue in front of a judge which expert's opinion is more accurate. In mediation, the spouses and the mediator would select an appraisal

expert, and then use their findings to move forward with the asset division process. Even if you and your spouse hold complex and valuable assets, a skilled mediator can help you resolve your divorce.



The advertisement features a dark blue background. On the left, the 'L&O' logo is displayed in white, with 'ESTABLISHED 1995' written below it. A central photograph shows Nicole Levy, a woman with long dark hair, smiling. To the right of the photo, the text 'Need a Divorce Mediator?' is written in white. Below this text is a blue button with white text that reads 'CONTACT NICOLE TODAY!'. At the bottom right, the text 'Nicole Levy Family Law Mediator' is written in white.

Experienced Divorce Specialists Help the Process

With that said, it can help to have mediators who are also divorce practitioners with experience litigating high net worth divorces. The practical experience of having seen these complicated separations through from the beginning to the end provides valuable lessons in the appraisal process, as well as important pitfalls to avoid. If you and your spouse want to mediate, but are unsure that mediation can handle the needs and complications involved with asset division, you may wish to make sure that your mediator is aware of this fact for a [high net worth divorce](#), and that your mediator is willing to work with an expert.

Nicole is a divorce mediator and mediation coach for South Shore Divorce Mediation, with offices in Hingham, Massachusetts and East Sandwich, Massachusetts. She is also a collaborative law attorney Senior Associate Attorney for Lynch & Owens, P.C., where she specializes in divorce and family law issues. Nicole is a statutory mediator under [M.G.L. Ch. 233, s. 23C](#) and a proud member of the Massachusetts Council on Family Mediation. Disclaimer: The information you obtain at this site is not, nor is it intended to be, legal advice. You should meet with an attorney for advice regarding your individual situation. You are invited to contact our office. Contacting

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