

 ATTORNEY'S BRIEFCASE®

presents

Beyond the Basics™

# Drafting, Defending and Attacking Premarital Agreements

Six locations around the state

Seminar leader:

**Garrett C. Dailey, Esq., CFLS, AAML**

Publisher/Author: Attorney's BriefCase®

Author: SupporTax®, Lawgic®

Premarital agreements are common in marriages today. This fast-paced three-hour seminar will discuss what you need to know about drafting enforceable premarital agreements and then explore techniques for attacking and defending them if the marriage breaks down. Included will be an in-depth discussion of the potential retroactivity of the amendments to Fam. Code §1612 and §1615 to earlier agreements.

Program qualifies for 3.0 hours of MCLE/Legal Specialization credit

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This activity has been approved for 3.0 hours of Family Law legal specialization credit by the California Board of Legal Specialization. This activity has been approved for Minimum Continuing Legal Education credit by the State Bar of California in the amount of 3.0 hours. Attorney's Briefcase, Inc. certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California governing minimum continuing legal education.

**Who should attend:** This is a comprehensive discussion of issues related to most aspects of premarital agreements. It will be of great value to beginning as well as experienced practitioners and judicial officers. Seminar materials will include a CD-ROM containing sample points and authorities supporting and defending premarital agreements as well as arguing SB71 retroactivity issues and significant documents of Legislative History.

Topics to be covered include:

### **DRAFTING PRENUPS**

- Should you be drafting prenups?
  - Risks
  - Benefits
- Fee agreements
  - What to charge?
  - Sample provisions
- Meeting with client
  - Manage expectations
  - Fair or one-sided?
- Choice of law issues
- Dealing with other party
  - Handling unrepresented party
  - Finding attorney
- Drafting the agreement
  - Common mistakes
  - Things to watch out for
  - Complying with statutory requirements
  - Adequate disclosures
  - Drafting programs
- Negotiating the agreement
  - Tips and techniques
- Executing the agreement
  - How to make it virtually bulletproof
- Wrapping the assignment

### **HISTORY OF SB71**

- Understanding *Marriage of Bonds* and *Marriage of Pendleton & Fireman*
- SB71 Legislative response
- Legislative history
- Effect of Fam. Code §4
- Retroactivity of amendments
  - Analysis of each change
  - Arguments in favor of retroactivity
  - Arguments against retroactivity

### **DEFENDING PRENUPS**

- Understanding *Marriage of Bonds*

- Using presumption of enforceability
- Rebutting common arguments
  - Executed close to ceremony
  - Undue influence
  - Disclosure
  - Confidential relationship
  - Failure to understand
  - Failure to read
  - Unequal bargaining power
  - Fiancée pregnant

### **ATTACKING PRENUPS**

- Common grounds
- Overcoming presumption in favor of enforceability
- Noncompliance with statutory requirements
- Unconscionability
- Lack of disclosure
- Undue influence
- Lack of attorney
- Choice of law issues
- Legal arguments

*Seminar Leader:* GARRETT C. DAILEY

Mr. Dailey is a practicing family law attorney with offices in Oakland. He is a Certified Family Law Specialist and a Fellow in the American Academy of Matrimonial Lawyers, which named him California's "Family Law Person of the Year" for 2006. He is listed in "The Best Lawyers in America," emphasizes appellate practice, and his recent published cases include: *Elkins v. Superior Court*, *Marriage of LaMusga*, *Marriage of Alter*, *Marriage of Barthold*, *Marriage of Heiner*, *Marriage of Pearlstein* and *Marriage of Drapeau*. He is the author of numerous well-regarded family law products, including:

- ATTORNEY'S BRIEFCASE® CALIFORNIA FAMILY LAW
- SupportTax®
- Lawgic® MARITAL SETTLEMENT AGREEMENTS and PRE/POSTMARITAL AGREEMENTS

*LOCATIONS, DATES AND TIMES:*

***April 6, 2010***

Tuesday

**Universal City**

*Hilton Universal City*

555 Universal Hollywood Dr.

818-506-2500

***April 7, 2010***

Wednesday

**Costa Mesa**

*Marriott Costa Mesa*

500 Anton Blvd.

714-957-1100

***April 8, 2010***

Thursday

**San Diego**

*Doubletree Club Hotel*

1515 Hotel Circle South

619-881-6851

***April 27, 2010***

Tuesday

**Sacramento**

*Hilton Arden West*

2200 Harvard Street

916-922-4700

***April 28, 2010***

Wednesday

**San Jose**

*Wyndham San Jose*

1350 N. First Street

408-453-6200

***April 29, 2010***

Thursday

**Emeryville**

*Hilton Garden Inn*

1800 Powell Street

510-658-9300

6:00 p.m. to 9:30 p.m.

Space is limited

Also available on either DVD or CD, which includes materials and program slides.

**REGISTRATION FORM**

\_\_\_ April 6, 2010 Universal City

\_\_\_ April 27, 2010 Sacramento

\_\_\_ April 7, 2010 Costa Mesa

\_\_\_ April 28, 2010 San Jose

\_\_\_ April 8, 2010 San Diego

\_\_\_ April 29, 2010 Emeryville

\_\_\_ DVD/CD of presentation (circle choice)

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Expiration Date:

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Amount: \_\_\_ \$175

\_\_\_ \$200 at the door

\_\_\_ \$198.06 DVD/CD (circle choice) includes sales tax & shipping

**\$50 Cancellation Fee; \$25 transfer fee (within one week of seminar)**

To enroll, go online to [www.atybriefcase.com](http://www.atybriefcase.com); fax form to Attorney's Briefcase, Inc. at (510) 465-7348; call (510) 836-2743, or mail completed form and check to 2915 McClure Street, Oakland, CA 94609