

Beyond the Basics™:
Advanced Tracing in Family Law Cases

Seminar Leaders: Garrett C. Dailey, Esq. and David Swan, CPA

A three-hour MCLE-accredited seminar designed for attorneys and experts involved in challenging tracing cases or who want to be prepared for them.

The philosophy of tracing

Tracing is as much an art as a science
The burden and standard of proof

Reasons for tracing

Rebutting the c/p presumption and establishing s/p
Preserving community property
Apportionment of c/p and s/p interests in assets (debts)
Debt payments (Fam. Code §900 et seq.)
Educational reimbursement
Family Code §2640 (b) reimbursement

Refinancing issues

Change of title from separate to joint
Walrath tracings
Character of borrowed funds
Moore/Marsden & Fam. Code §2640(b)

Methods of tracing

Direct tracing (simple approach)
Exhaustion method (detailed and frequently complex approach)

Tracing methodology

Planning: Where and when to start
Defining the objective
Defining the assumptions
Documentation needed
Executing the plan
Writing the report

Presenting the evidence

Tracing reports
Expert and other testimony

Practical tracing problems

Critiquing & attacking a tracing

Missing links in the tracing chain
Erroneous assumptions
Other fatal tracing errors and pitfalls
Complex tracing problems and solutions
Bank account tracing
Brokerage account tracings

Course materials - \$50

Audio class with materials and 3 hours MCLE/Specialization (CD) - \$150