



ADDRESSING A CHANGING ECONOMY: TURNING QDRO PREPARATION OVER TO YOUR CLIENT

Introduction:

As the economic world changes around us, it is hard to ignore that there will be an ultimate effect on how the legal community must address retirement benefit issues. At LawData, we feel that it is time to begin to focus on the areas of divorce settlement that are vulnerable to liability due to the foreseeable (and unforeseen) changes ahead.

We are initiating a series of newsletters, each addressing a specific issue that has recently arisen in the course of our business.

Our third newsletter in this series will address the procedural and potential issues legal counsel might encounter when turning the preparation of QDRO(s) over to the client.

Introductory Special!

Free Pension Appraisal

If you are an attorney who has never used our services, then let us prepare a free pension appraisal (a \$200.00 value) so that we can demonstrate to you the outstanding support and expertise we provide to every one of our attorney/clients. We make this offer knowing that once you try us you will become a regular client.

Please use our standard submission form and note that you are a first time attorney client.

Visit www.lawdatainc.com to download form.

More and more frequently, once a divorce is finalized we are receiving calls from pension holders or their spouses stating that the attorney has urged them to call us to prepare their QDRO.

We are always available to answer your client's questions and prepare the QDRO. We will make any subsequent revisions needed to insure correct facts, be consistent with plan language, or to remain compliant with the parties' intent. We will not make revisions requested by your client.

The first issue we address when receiving a call from your client is to make it clear that we cannot release the QDRO to the client him/herself. They must have an attorney willing to receive the Order.

It has been LawDATA's observation that, due to the economic situation in our country, many attorneys are not being paid in a timely fashion and sometimes not at all. Consequently, once the divorce is finalized the attorney is ready to move on and spend their valuable time and efforts on cases that will support their practice rather than the cases that they have unwittingly taken on pro bono.

Thus, they are done and the QDRO preparation is turned over to their client to pursue with LawDATA.

Why must legal counsel be available to receive the draft QDRO? Why can't LawDATA "take it from there"?

While we have twenty-five years of unblemished experience in drafting QDRO's, working with Plan Administrators and conforming acceptable plan language to meet the parties' intent, we are not lawyers. Releasing a draft QDRO to a non-lawyer for court processing, would constitute practicing law without a license and would jeopardize our license.

Where is the value in using LawDATA if an attorney can't "let go" once LawDATA has been hired?

The premise behind the institution of LawDATA was to save our attorneys from frustration and liability issues, while also saving their clients money by reducing the number of billable hours applied to the preparation of QDRO's.

While you may encounter as little as two, or as many as fifteen QDRO's a year, we process that many in a day or a week. We have developed relationships with plan administrators and in some instances have helped to formulate model language now used across the board. It is our goal to familiarize ourselves with each plan that we get involved with and see each Order through until the parties intent and the plan's guidelines are coordinated and set in place for implementation.

We are available and willing to speak with opposing counsel, offer expert witness services, and answer any questions your client might have throughout the QDRO process.

What exactly is my role as the receiving Attorney in the case once LawDATA has been hired to draft the QDRO?

At minimum, your role as the receiving attorney is to simply receive the drafted order and pass it on to your client to review and submit to the court and, subsequently, the plan.

You act as our contact person.

Optimally, we like to be in contact with the ordering attorney to discuss any discrepancies between the parties' agreement and the plan provisions. We like to nurture a relationship with our attorneys and be available to aid in the process of developing the language used in the agreement so that it is most easily adaptable to the provisions of the particular plan(s) involved.

We like to provide our services, both prior to the drafting of the Order and subsequent to the Order being drafted, to help all parties understand the meaning of specific QDRO language and the implications of any provisions set forth in the QDRO for future implementation.

We typically contact a receiving attorney with any correspondence that is required during the course of the QDRO preparation. However, if you are following the course of minimal involvement you can advise your client to contact us and we can answer their questions or obtain factual information from them directly.

LawDATA wants to continue to be your resource regardless of the economy. We understand that we all go to work to provide a living for ourselves and our families. Should you find yourself in a situation that would dictate minimal participation once the divorce is finalized, please don't hesitate to utilize our services accordingly.

That being said, we are always eager to partner with you in all retirement related endeavors.

Contact us at Info@LawDATAinc.com to assist you in preparing your settlement language. Allow our *25 years of experience* to assist you in minimizing both your liabilities and your headaches in your next marital dissolution case.

We now provide settlement language FREE OF CHARGE.
Download our forms at www.lawdatainc.com

LawDATA, Inc. has been active in the valuation of pensions and the preparation of Domestic Relations Orders for our attorney clients since the founding of LawDATA, Inc. in 1984. We have presented Continuing Legal Education programs, dealing with the valuation and distribution of retirement assets incident to divorce cases for State Bar Associations throughout the country and written many articles on the subject for legal publications.

For any questions or ideas for upcoming articles you can reach Michael Marasa at mike@lawdatainc.com or Tara Commerford at tara@lawdatainc.com

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