

# THE MEDIATOR

Mediation Offices of Michael Becker  
Because Experience Matters

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## It Happened Then

On April 26, 1977, Studio 54, which would later become the focal point of disco, opened in New York.

## Quote Me on It

"We must not, in trying to think about how we can make a big difference, ignore the small daily differences we can make which, over time, add up to big differences that we often cannot foresee."

*Marian Wright Edelman*

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## Contact us @

t: 203.454.4270  
f: 203.454.4467  
e: [michael@michaelbecker.net](mailto:michael@michaelbecker.net)  
w: [www.michaelbecker.net](http://www.michaelbecker.net)

All articles written by Michael Becker

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## Conflicting Family Law Roles?

### Court Disqualifies Attorney

Family law clients can now choose among various forms of representation and mediation when receiving legal services. Given this, it is critical for family law practitioners to convey and maintain proper role definition.

Recently, a divorcing couple had interviewed an attorney as a prospective divorce mediator. After the couple decided not to use mediation, the husband retained the same attorney — but to represent him individually against the wife in the divorce. The wife did not consent to this representation, and asked the court to disqualify the attorney.

Citing Rule of Professional Conduct 1.12, the court barred the attorney from representing the husband against the wife because of the wife's "strong perception that she had [in the interview] divulged significant personal information to [the attorney] regarding her position about a specific asset."

The court was clear that it had no evidence that the attorney acted any way but ethically under the circumstances. But it was the client's honest perception that a conflict was created which was ultimately persuasive to require disqualification.

## Secret Spending in Marriages:

### More Common Than You'd Think

Money Magazine recently reported that almost 80% of married people hide some purchases from their spouses. And it's the men who are more likely to do so!

Addictions and compulsions aside, secret spending is often done simply to avoid conflict or criticism. And while a little white lie here and there may keep the peace, over time, increasing secret

spending can cause big problems in marriages, because it ruins the trust necessary for healthy unions.

So when is secret spending a problem? The author suggest asking 'if my partner found out, would this damage the trust between us?' Hiding bills or receipts, or telling the kids 'don't tell mom/dad about this purchase' are other signals of problems.

## Income Tax Headache: Another AMT Patch

Anyone who has ever paid Alternative Minimum Tax (AMT) on their Federal tax return knows what an insidious tax it is. AMT is a minimum tax you must pay — even if your actual income tax is lower. The idea 42 years ago, when AMT was first implemented, was to make sure that the very wealthy couldn't avoid a minimum level of tax. Often AMT is difficult to plan for or see coming until it's right there on your tax return.

I have noticed over the past 10 years that more clients now pay AMT, many of whom are hardly super-wealthy. This is because AMT is not indexed for inflation — so as income increases due to inflation, more people are ensnared by the AMT each year.

So Congress has once again enacted a 'patch', which is a temporary change to some of the AMT rules, to keep even more people from having to pay the tax. However, the patch expires at the end of 2011, and unless another patch is enacted, yet more will pay the unnerving AMT.

## Tools & Tips

One book in my office lending library which seems to be very helpful to clients is The Custody Solutions Sourcebook by Jann Blackstone-Ford. I recommend it for all family practitioners, whether lawyers, therapists, or others, to have for clients.



This thoughtful book helps divorcing spouses to identify and create a parenting plan most suited for their family.

The author also offers useful advice on how parents can maintain a united parenting front in spite of their divorce.

Other topics include whether and when to consider family counseling, as well as a very useful section on working with lawyers and mediators, including how to find a mediator.

I also like the author's take on how and when to incorporate new partners, and parenting solutions for same-sex couples (though somewhat dated, still useful).

**Michael Becker** is an attorney and holds a Bachelor's Degree in accounting and a Master's Degree in marriage and family therapy. He is also an ACR Advanced Practitioner Member. One of the most experienced mediators in our area, Michael is a founding Director and twice President of the Connecticut Council for Divorce Mediation. He is also a James W. Cooper Fellow of the Connecticut Bar Foundation, and practices in Westport, CT.

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Mediation Offices of Michael Becker  
Michael Becker, LLC  
One Kings Highway North  
Westport, Connecticut 06880