About This Issue

This issue features emerging topics in family law and contains articles on valuing goodwill and discovering cryptocurrency assets at divorce. There are two internationally focused articles, one a comparative piece on child custody standards and another on marital agreements in France and Spain. There are also articles on delegating judicial authority and one related to the division of military pay at divorce. Student authored articles focus on estate planning for non-traditional families, valuing trusts at divorce, the use of non-disparagement clauses in custody orders and resolving attorney fee disputes thought mediation. It concludes with a book review of a resource for preparing parenting plan evaluations.

Our Issue editors are Drew Soshnick and David Griffin. Drew is nationally recognized as a leader in family law. He is a Diplomate of the American College of Family Trial Lawyers, an invitation-only organization limited to the top 100 family trial lawyers in the country. Drew is a Fellow of both the American Academy of Matrimonial Lawyers and the International Academy of Family Lawyers. Chambers USA has ranked Drew in Band 1 in Matrimonial & Family Law in Indiana, and Best Lawyers in America recognizes him in Family Law. David Griffin is a recently-retired Family Law Attorney from Connecticut. David is a Fellow of the American Academy of Matrimonial Lawyers (AAML) and of the International Academy of Family Lawyers (IAFL), having actively practiced for over 40 years. He is a former National Fellow of the Year of the AAML and is widely recognized as a skilled and versatile litigator who is equally adept at trying and settling cases. David focused his practice on complex financial and custody cases throughout the State of Connecticut, and consulted on cases throughout the country for high net worth and ultra-high net worth clients. David has held multiple leadership positions in the AAML and in the Family Law Section of the Connecticut Bar Association. He is a frequent lecturer at national family law conferences, having addressed topics as diverse as Artificial Intelligence, Valuing Complex Organizational and Capital Structures, Valuation of Healthcare Interests, and the Valuation of Venture Capital and Private Equity Interests. David has extensive experience in International Law as well, having litigated issues under both the Hague and UCCJEA regimes, and represented clients in multi-national prenuptial agreements and dissolutions. David has been recognized by the most prestigious attorney rating organizations, including Best Lawyers, SuperLawyers and Lawyers of Distinction, and in multiple successive years was voted by his peers in SuperLawyers as one of Connecticut's Top 50 Lawyers in all practice areas.

In *Delegation of Power to Non-Judges in Child Custody Litigation: Informed Consent is Not-Negotiable,* Dana E. Prescott and India A. Butler

examine the growing use of alternative dispute resolution across jurisdictions, particularly with respect to the delegation of judicial authority to determine child custody matters. The article discusses the tension between the judicial efficiency of such delegation and the resulting consequences, risks, and limitations. They ultimately conclude by highlighting the importance of meaningful, informed consent which provides clients with a comprehensive understanding of the legal consequences of any judicial delegation. Dana Prescott is a licensed attorney in Maine, Massachusetts, and Connecticut, and a Fellow of the International Academy of Family Lawyers and the American Academy of Matrimonial Lawyers. A member of the Journal Board, he holds an MSW and a PhD in social work and serves as an adjunct faculty member in social work at Boston College. Ms. Butler is an attorney with Rutkin Oldham Contratto in Westport, Connecticut. In her role she represents clients in divorce, high-conflict custody related matters, and various post-judgment cases, in which issues related to asset valuation and division, alimony and child support arise from complicated compensation structures and high net worth families.

Our second article is entitled *Protecting the Former Spouses' Share of the Military Pension: Strategic Solutions After* Howell by Bradly A. Carlson and Natasha M. DeLeon. The article addresses the legal and practical consequences of post-divorce reductions in military retired pay caused by VA waivers, with particular emphasis on elections under the Combat-Related Special Compensation act. Specifically, it examines the extent to which federal law preempts state courts from remedying those reductions and the narrow circumstances in which former spouses may still protect their awarded interests. This analysis centers on the distinction between judicially imposed remedies, which are prohibited under *Howell v. Howell,* and remedies arising from agreed upon indemnification and judgment enforcement principles. Bradly Carlson is the founder of Carlson Law Group, LLC, and is licensed to practice law in Alaska and Washington. His practice focuses substantially on family law, including complex divorce, child custody, and military divorce matters. A veteran of both the United States Army and Air Force, Brad served as an Army armor officer, including two deployments to Iraq and command of a tank company, before attending Texas Tech University for law and business school. He later returned to military service as an Air Force attorney, where he gained significant litigation experience as a criminal prosecutor and advised servicemembers and their families on a broad range of legal matters. Brad completed his active-duty service in 2018 and retired from the reserve component in May 2024. Brad's military background informs a significant portion of his family law practice, particularly matters involving servicemembers, veterans, military retirement benefits, and the unique issues that arise when military service intersects with divorce and child custody. He has also represented servicemembers and their dependents in matters involving the Servicemembers Civil Relief Act, unfair trade

practices, and predatory lending. Natasha DeLeon is a litigation attorney with Carlson Law Group, LLC, in Anchorage, Alaska, where she primary practices family law, including divorce, child custody, and domestic violence matters. She also practices in military and veterans' law, drawing on her own experience as a United States Marine Corps veteran. Natasha served five years on active duty, including a deployment to Afghanistan in support of Operation Enduring Freedom. Prior to entering the legal profession, Natasha spent seven years working in the field of social work, including within the foster care system. She holds a Master of Social Work from the University of Southern California and a B.A. in Psychology from American Military University. Her professional experience also includes work with the U.S. Department of State at the U.S. Embassy in Lomé, Togo, where she contributed to reporting on human trafficking, human rights, financial policy, and international religious freedom.

Our first international piece is *De Facto Maternal Preference in Italian Family Courts: A Comparative Study with U.S. Custody Law and Implications for Transnational Practice* authored by Rosa Di Caprio. It examines the persistent divergence between the statutory model of shared custody, formally grounded in the principle of bi-parentality, and its practical implementation in courtrooms. The study compares judicial practices and empirical patterns observed in Italian and U.S. family courts, highlighting structural differences in procedural organization, allocation of parenting time, and management of family conflict. Drawing on qualitative forensic observation developed over two decades of practice in high-conflict family litigation (approximately 2005–2025) before major Italian family courts, this article offers a qualitative case-based analysis of judicial patterns, further relying on a comparative review of U.S. appellate decisions, statutory best-interests factors, and mandatory parenting plans to identify recurring procedural patterns affecting custody determinations, parenting time allocation, housing decisions, and financial obligations. The author advocates for a shift away from discretion susceptible to bias toward objective, interdisciplinary, and technology-assisted decision-making models capable of safeguarding the child's best interests and ensuring genuine bi-parental participation. Rosa Di Caprio is an Italian attorney specializing in family law, with more than twenty years of professional experience. She is a member of the Naples Bar and has been admitted to practice before the Italian Supreme Court of Cassation since 2016. Her practice focuses on complex family and matrimonial matters, including divorce, child custody, parental responsibility, and the protection of children in family proceedings. In addition to her legal practice, Di Caprio is an author and legal scholar whose work focuses on contemporary developments in family law, children's rights, and the intersection between law, technology, and the administration of justice. She serves as Dean of the Faculty of Family and Minors Law at AuGe University in Rome and contributes to professional and academic discussions in Italy and internationally.

The Status of Marriage Contracts and Foreign Nuptial Agreements in France and in Spain: A Comparative Study by Delphine Eskenazi and Maria Valentin is our other internationally focused article. The authors identify the pitfalls for binational couples, whose lives are intertwined between France or Spain and a common law country such as the United States when they fail to anticipate the ramifications of these agreements made in different countries. Moreover, they point out that while France and Spain are neighbors and civil law countries, the applicable rules are actually very different on these issues and could lead to very surprisingly different results. Indeed, many couples in France and Spain are unaware that in the absence of a duly executed prenuptial agreement, the rules that determine how property will be distributed if the marriage is dissolved due to divorce or death will be those of the first country of residence after their marriage becomes official. Delphine Eskenazi is a French and New York-qualified attorney, founding Partner of the French Firm Libra Avocats (Paris). She holds a master's in law, with a specialization in "French and US law" at Université Paris I - Panthéon Sorbonne and a Juris Doctor from Cornell Law School (*summa cum laude)*. She currently specializes in international family law in order to advise private clients on their complex family issues. She has developed a specific expertise in complex international family litigation. She also acts as an expert on French legal questions before foreign courts and in particular in Anglo-Saxon countries. She is an active member of the International Academy of Family Lawyers and the Family Law Section of the New York State Bar Association. She is also the President for the French Chapter of the French-American Bar Association. She has written many articles published in law journals in the area of international family law. She has also been invited to be a lecturer in many international conferences on family law, and she is a speaker every year for the session relating to international family law at the French Etats-Généraux du Droit de la Famille (a yearly national conference for all lawyers practicing family law in France). Maria Valentin Acedo is a French and Spanish-qualified attorney practicing as Of Counsel at Libra Avocats (Paris), a firm ranked Band 1 in Family/Matrimonial: High Net Worth by Chambers. Her practice focuses mostly on international family law. notably cross-border prenuptial agreements, marital property regimes. and spousal support planning across civil and common law systems. A former Co-Chair of the ABA International Law Section's International Family Law Committee, she is a member of the Paris and Barcelona Bars and advises clients in Spanish, French, and English.

Drew Soshnick and Joshua Shilts contribute *The Transferability Trap: Binary Thinking V. Nuance in Goodwill Valuation*. They begin by acknowledging that historically divorce courts throughout the United States have viewed goodwill through a binary prism–categorized as either personal goodwill or enterprise goodwill. They argue that while binary framing is administratively simple, it omits value that originated with individuals and later became pooled, protected, institutionalized, or saleable as part

of an entity. The article considers three different analytical frameworks: the traditional personal goodwill versus enterprise-goodwill classification, a spectrum approach that distinguishes transferable personal goodwill from non-transferable and pure personal goodwill, and a salability/marketability inquiry that asks whether the value can be sold, retained, or transferred apart from an individual's future labor. They conclude that the salability/marketability analysis best captures value that is economically salable while still excluding value that remains inseparable from an individual's future earning capacity. Changing the focus to the transferability of goodwill from simple category labeling allows for a more equitable asset division by divorce courts. Drew Soshnick, a partner at Faegre Drinker in Indianapolis, offers steady and effective counsel to individuals and companies facing complex financial issues in both divorce and business disputes. He is a trial lawyer with extensive experience representing high net worth business owners, executives, professionals, athletes, celebrities, public figures, or their spouses in divorce and other disputes involving sophisticated valuation issues. Drew co-chairs the firm's trial practice and innovation team. Drew also frequently represents companies, officers, directors and owners in high-stakes, sophisticated business valuation disputes. Drew routinely analyzes business and professional practice valuations and examines financial experts at trial. He writes, lectures, and teaches frequently on the financial topics and trial skills in divorce. He is on the editorial board of Business Valuation Resources' Business Valuation Update and has authored multiple articles on business valuation, tax considerations and trial skills which have been published in the Journal of the American Academy of Matrimonial Lawyers, the American Bar Association's Family Advocate magazine, Chambers and Partners' Global Practice Guide on Indiana Family Law, and numerous other publications. Drew also teaches trial skills at the National Family Law Trial Institute and for various other state and national programs. Since 1999, Drew has presented the family law update at the annual meetings of the Judicial Conference of Indiana. Josh Shilts, CPA/ABV/CFF, CVA, CFE, is a nationally recognized forensic accountant, business valuation expert, and leader within Dean Dorton's Forensic & Valuation Services practice. A two-time Forbes honoree and experienced expert witness, he advises attorneys, business owners, executives, and boards on complex financial disputes, including marital dissolution matters, business valuation, economic damages, fraud investigations, and shareholder disputes. Josh has served as an expert witness in courts and arbitrations across the United States and is known for translating complex financial evidence into clear, credible, and defensible conclusions. He is also a frequent speaker and author on valuation, financial disputes, fraud, and expert testimony.

Our final article focuses on the expanding use of cryptocurrency and how to prepare for cases involving digital assets. The article is entitled, *Building the Record for Cryptocurrency in Divorce: Digital Assets in Classification, Discovery, Valuation, and Distribution* and is written

by Shuxiang Zhuang. Drawing on her interdisciplinary background in cross-border corporate transactions and strategic advisory for early-stage blockchain founders, her article explores the complex evidentiary hurdles of tracing digital assets in dissolution proceedings. The piece proposes a practical, six-stage record-building protocol to guide courts and practitioners through the preservation, valuation, and equitable distribution of cryptocurrency. Shuxiang Zhuang is a PRC-qualified lawyer holding a J.D. and an M.B.A. from the University of Minnesota, as well as an LL.B. from the University of International Business and Economics.

Student authored Comments include *Family Law Gaps and Inheritance Rights in Nontraditional Families* by Rebekah Arwood (UMKC Law), *Valuing Trusts During Divorce Proceedings* by McKenzie Carson (UMKC Law), *Resolving the Bill: Attorney-Fee Disputes and Limits of State-Based Mediation* by Doug Grace (UMKC Law) and *Strict Scrutiny: When Child Welfare is Compelling* by Joseph Romano (Penn State Law).

Our issue concludes with a review of Jonathan W. Gould & Christopher M. Mulchay, Parenting Plan Evaluations: An Evidence-Informed Approach to Child Custody by Dana E. Prescott.

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