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# **View from the Bench**

**Judge John P. Quinn**

**ROSEN SEMINAR  
NOVEMBER 14, 2019**

Spousal Support

1. Is there a rule of thumb regarding duration of spousal support?
2. Is there a rule of thumb regarding the amount of support (*i.e.* percent of after tax income to meet expenses – a fairness check)?
3. The use of formulas for determining spousal support
  - a. Pros and cons of formulas
  - b. How stringent is the Court in following this?
4. What documents and information do you want from attorneys to assist in the determination of spousal support?
5. Weighing of the statutory factors
  - a. Which tend to be weighed more heavily than others? Why?
6. Post-divorce bonus compensation impact on spousal support
  - a. Tiered support orders?
  - b. Percent based?
  - c. Excluded entirely?
7. Award of spousal support in high net worth cases where assets are substantial
8. Vocational experts
  - a. Helpful?
  - b. Necessary?
9. Imputation of income
  - a. When appropriate?
  - b. When is someone voluntarily unemployed (*i.e.* retired early)?
  - c. When is someone voluntarily underemployed (*i.e.* took a job making less money to spend more time with kids)?
10. Retention of jurisdiction
  - a. Finite term vs. open ended?
  - b. Limiting jurisdiction to amount not duration or duration not amount?

## 11. Insurance as security for support

- a. Issue with inconsistency of termination upon death

### Child Support

1. How, if at all, does the Court tie together the spousal and child support amount (*e.g.* percent of after tax income to meet expenses)?
2. How do you handle uncovered medical and extracurricular expenses?
3. How do you handle cases with a combined gross income in excess of \$300,000?
  - a. Does extrapolation have a role (*e.g.* as a fairness check)?
4. Impact of the new statute with respect to number of overnights
  - a. Deviating more than the requirements?
  - b. What would cause a deviation to occur?
5. Insurance to secure child support
  - a. Order it? Why? Why not?

### Support in General

1. What is the number one thing you think practitioners in your Court should know when presenting child support issues to the Court (both in pretrials and at trial)?
2. What is the number one thing you think practitioners in your Court should know when presenting spousal support issues to the Court (both in pretrials and at trial)?
3. View of the Court in modification of child support at the termination of spousal support - something to address at the time of the original order or inherently a post-decree issue?
4. Does temporary support automatically count as credit for long-term support?

### Temporary Orders

1. When the parties reside together, what is the policy, practice and rule regarding one party or the other moving out of the residence?
  - a. What is the timeframe for the move-out?
  - b. Why this policy?

2. Do you order temporary support when the parties reside together?
3. What is the process for seeking temporary support?
  - a. Interplay of temporary support and final support order.
4. What is the process for seeking temporary parenting time schedule?
  - a. Need a GAL?
5. *Ex Parte* restraining orders
  - a. Are any *ex parte* TROs considered? Process for obtaining TROs
6. Automatic Mutual Restraining Orders
  - a. Enforcement of them
7. Mandatory Disclosure Orders
  - a. Initial discovery to be produced? Court orders for what should be produced/completed prior to initial pretrial?

#### Pro Se Litigants

1. Discovery rules, evidentiary rules and rules of Civil Procedure – pro se litigants given leniency? What to anticipate in this regard.
2. Scheduling differences – need for pretrials/attorney conferences – more Court time to address issues.
3. Mediation departments – other settlement tools
  - a. When used?
  - b. Are attorneys present?
4. Recommendations for handling cases with pro se litigants

#### One thing you wish all attorneys knew/did?