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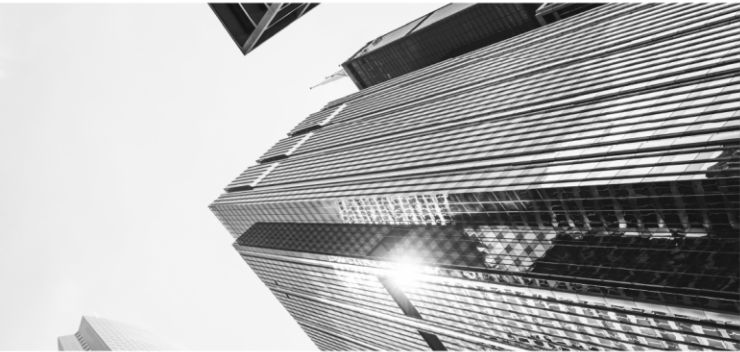
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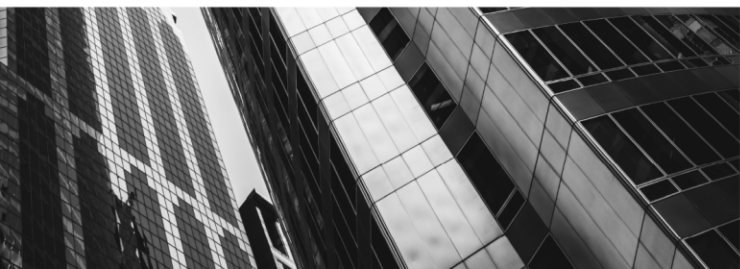
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Protecting your NFL client In Family Law Matters

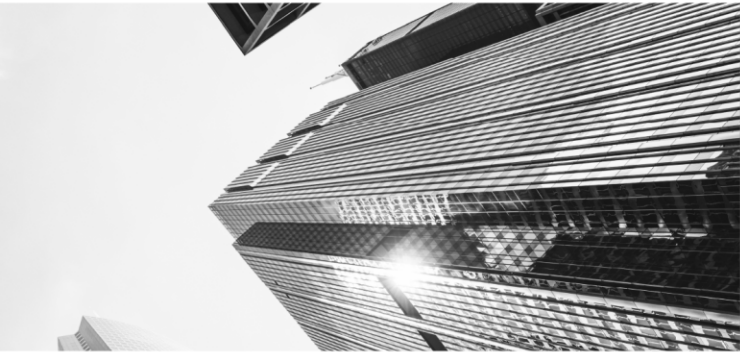
Randall M. Kessler, Esq.
Family Law Attorney

Past Chair, ABA Family Law Section.
Author, “Divorce: Protect Yourself, Your
Kids and Your Future”

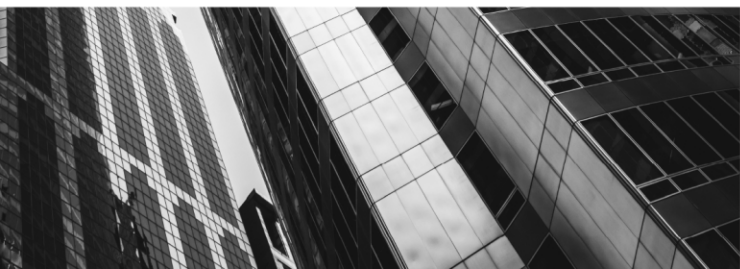


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With Special Guest



Ovie Mughelli

@oviemughelli34

Former 2X all-pro fullback
Baltimore Ravens
Atlanta Falcons
Healthcare consultant



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FAMILY LAW ISSUES

Topics to cover

MARRIED?

Pre/Post-nuptial Agreements/Alimony/Property Division.

NOT MARRIED?

What is Legitimation/Paternity/Paternity Fraud?

DNA! Testing!

AND... married or not, there are many questions to consider:

Does it matter which state?

Support, HOW MUCH?

FAILURE TO PAY (Contempt/Enforcement.)

Custody/Visitation, WHAT DOES THAT MEAN?

OVER TIME (Not “Overtime”)

When things change-Modification.

Support & Parenting Time can be changed.

BE SURE TO GET IT CHANGED WHEN CAREER ENDS!

OVERVIEW

Let's do a demonstration!



THE INITIAL CONSULTATION



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Unforeseen Circumstances



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TEN YEARS
LATER...



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Marriage

Prenuptial Agreements are Enforceable

Common ways to challenge a pre-nup:

Option 1.

Fraud, Duress, Mistake, or
Misrepresentation or non-disclosure of assets.

Option 2.

It is unconscionable.

Option 3.

Facts/circumstances changed. Now it is unfair and unreasonable.

(And be sure she has a lawyer).

BUT JUDGES LOVE PRE-NUPS

“You can contract around the law”

Tell her your agent made you do it.

Or, momma made you do it.



OR: After your best friend's disastrous divorce, you promised him you would get one.

Prenuptial Agreements are Enforceable

They are allowed (Pre & Post).

They will reduce lawyers' fees.

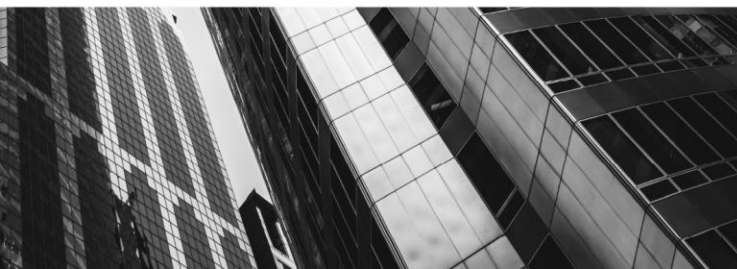
They will encourage settlement.

Helps weed out "gold-diggers".

Be sure she has a lawyer.

The ultimate leverage, is the player's resolve.

If one side is willing to not get married, they win.



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Marriage/Divorce

Basic Marriage (and Divorce) concepts

Divorce common within 2 years of final game.

“No Fault” allowed most states.

- Either side can get a divorce if they want.
- So “grounds” not needed.

But “grounds” still relevant.

- Relevant for custody.
- To help persuade court.

“Jurisdiction”.

Divorce must be filed where they live.

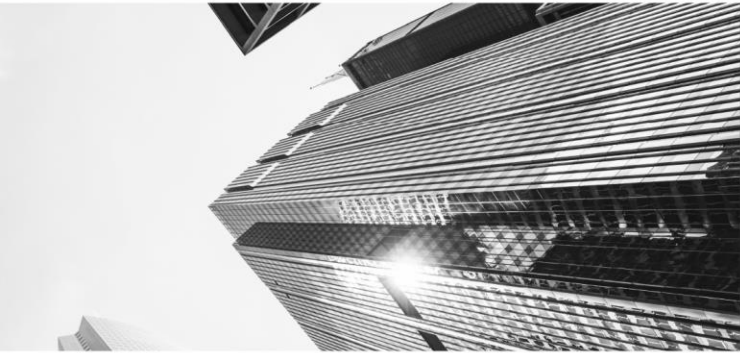
But if they live in diff. states, or more than 1 state, talk to lawyers in each state to determine where the laws are best for your client.

Just get a consult.
Knowledge is power.

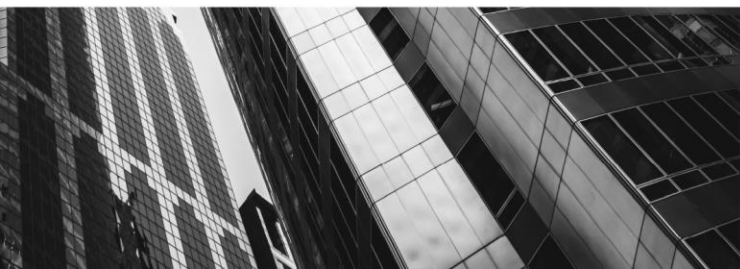


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Not married,
but have a child?



Legitimation v.
Paternity



Legitimation:

Filed by Father

Father has no rights
until he legitimates.

Once Legitimated,
Father can seek
custody/visitation.

Paternity:

Filed by Mother

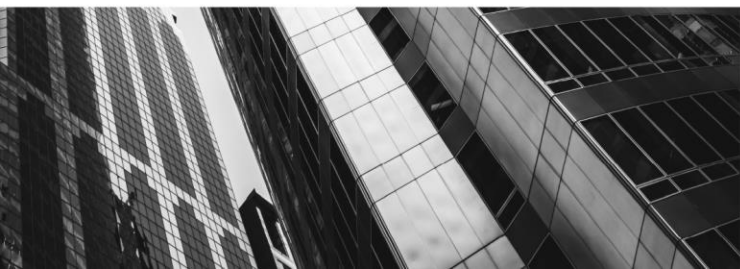
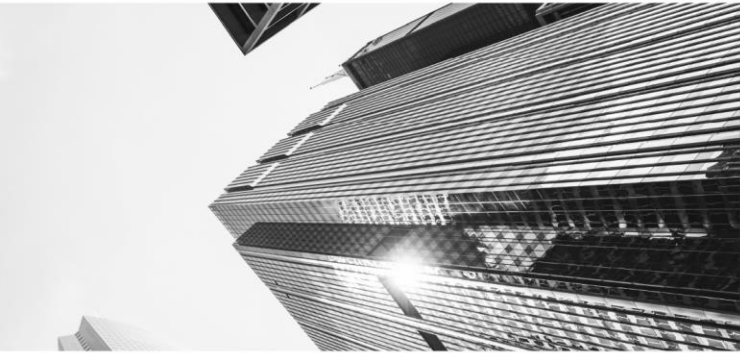
To get child support

Visitation can be
addressed, but not
custody.

Related topic:

Paternity Fraud

Paternity Fraud



Get a test.

Only need saliva of father & child.

Best to do before support is set.

But can be done after.

Tell her it is so **THAT** no one can
ever question her.

He is doing it **FOR HER**.



What do you do if you find out
you are NOT the father?

WHAT DO YOU DO WHEN YOU LEARN YOU ARE NOT THE FATHER?

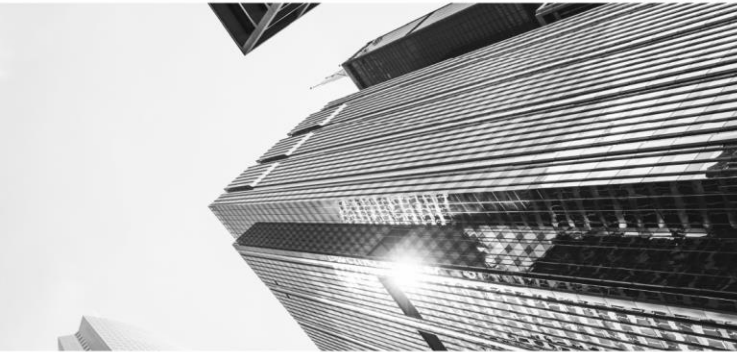
Right answer
gets a book.

maury

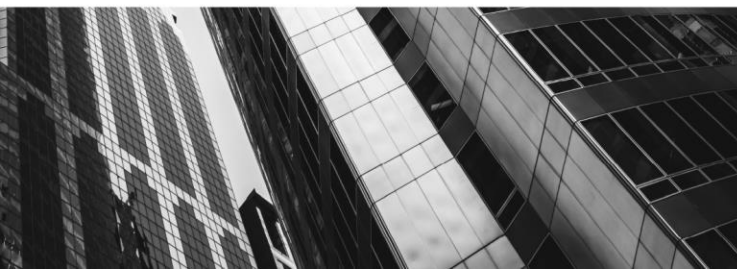
YOU'RE NOT THE
FATHER!

50 CENT

Should I use a lawyer?



YES



Lawyer v. “DIY”

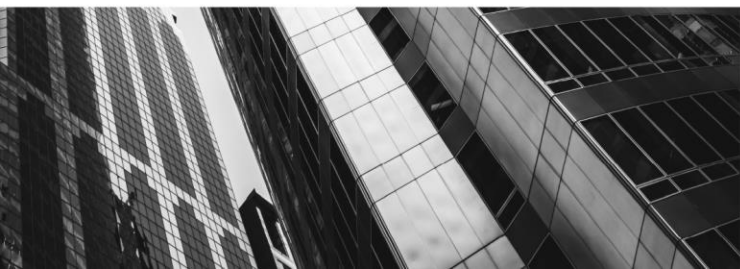
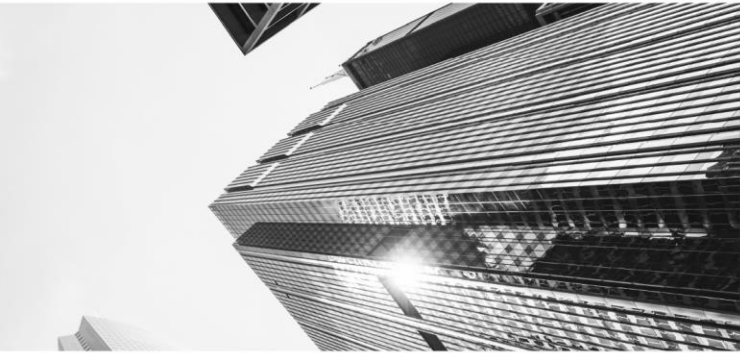
Option A:

File for Legitimation.
Establish rights and amount
of support.
Do this agreeably.
(While they get along).
Locks in good result.

Option B:

Do it “out of court”.
Be nice.
Pay voluntarily.
Avoid lawyers/court.
Problem:
When she gets mad, and she
will, it will be ugly and
costly.

How to reduce risks?



Y'ALL READY FOR THIS?

Option A: Avoid unprotected sex.

Option B: Freeze sperm and get a vasectomy.

A.R.T. is very advanced.

We can all decide WHEN to have a baby.

Is your head spinning now?

Child Custody

Legal Custody = Who makes decisions?

Medical, Educ., Religion.

“Joint legal custody” common.

But need to decide who gets the final say on each issue.

Legal custody
v.
Physical Custody

Physical Custody = Where does the child live?

Primary Residence?

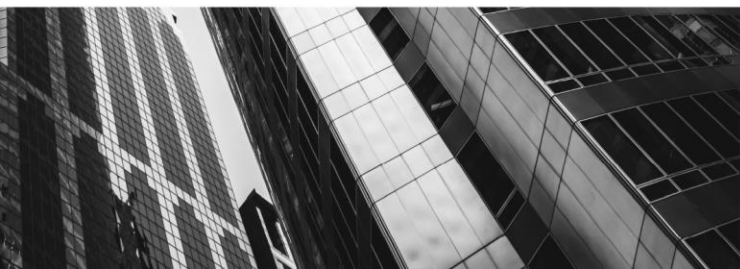
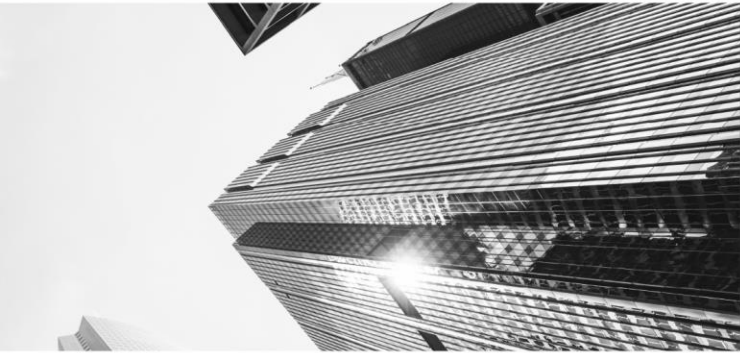
Visitation.

Holidays?

Summers?

Birthdays?

How much
Child Support
will be ordered?



Standard Child Support For Pro Athletes?

Depends. Lots of factors:

Which state?

How many children?

Children from other relationships?

What is the income?

Were they married?

Recipient's income?

Special Needs?

Anticipated future income?

What Is “Standard” For NFL guys?

\$3,000.00 - \$5,000.00/mo. is generally the number.

BUT depends on which city or state:

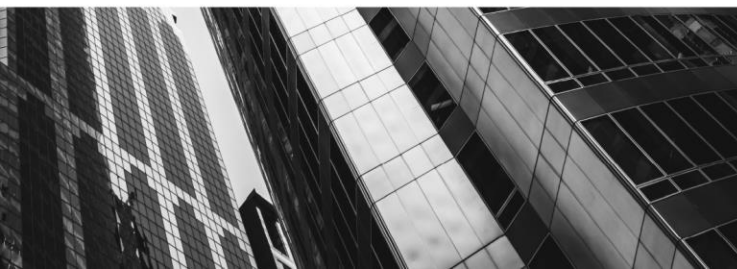
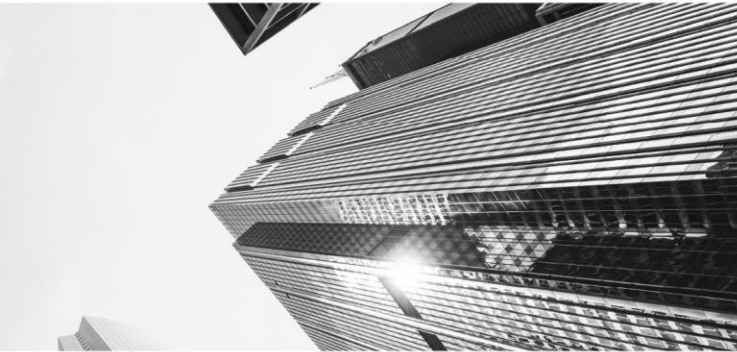
In L.A., \$15,000.00/month is common.

In Dallas or ATL, \$3,000.00/month is common.

It can be lower if they already pay for other children

AND PAY FOR AS MUCH DIRECTLY AS POSSIBLE:

SCHOOL, CLOTHES, HEALTH INSURANCE, TRAVEL.





How to Make Sure You Are In A Good State?

Talk to a lawyer you trust.

Be sure the lawyer considers BOTH states.

Does lawyer just want it in their own state so they can handle?

So they can be “FAMOUS”?

We refer out most cases-many of you here know that.

(be sure to compare states).

How many people here have I sent to other lawyers?

There are some ways to get a better state.

First analyze his state vs. hers.

Then be the first to file!



**I WANNA BE
FAMOUS!**



Settlement or Trial





You can be very creative if you settle.

Creative ideas:

Purchase of a home (make her live close by).

Put home in child's name at age 18?

Purchase of a vehicle.

Purchase of an annuity.

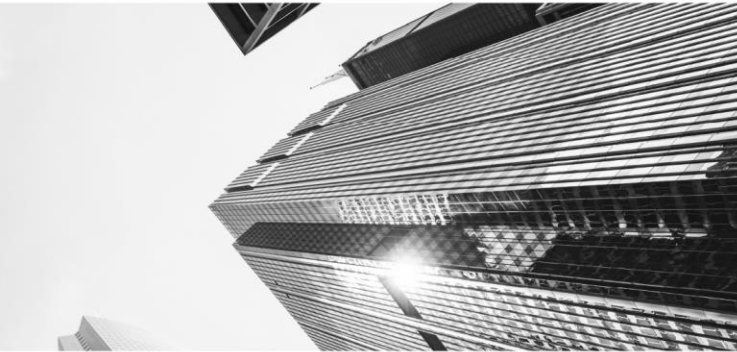
Visitation for non-parents:

Step parents, uncles, cousins.

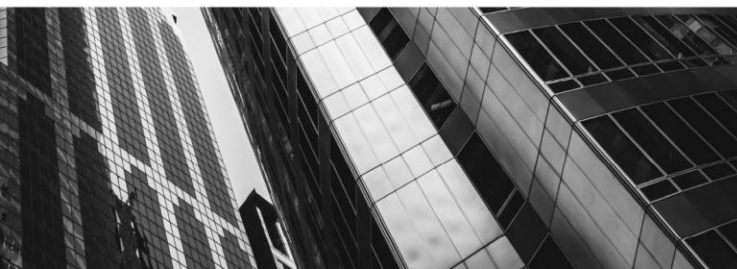
Grandparents.

College funds.

Trust funds.



AVOID LETTING HER FEEL THE POWER OF COURT





THINGS CHANGE.

When the career ends, please revisit the agreement.
Here's why players do nothing.

They think the income will return soon.

They think YOU will figure it out for them.

They don't want to talk to a lawyer.

They don't want to see a lawyer.

They don't want to pay a lawyer.

They don't want to ask Child's mother for a break.

They don't want to admit they need help.

They don't want to admit failure.

BUT MAKE THEM SEE A LAWYER.

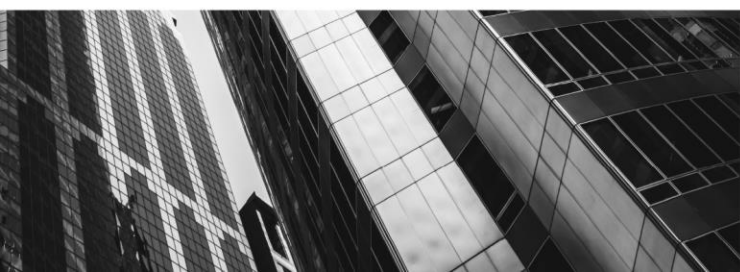
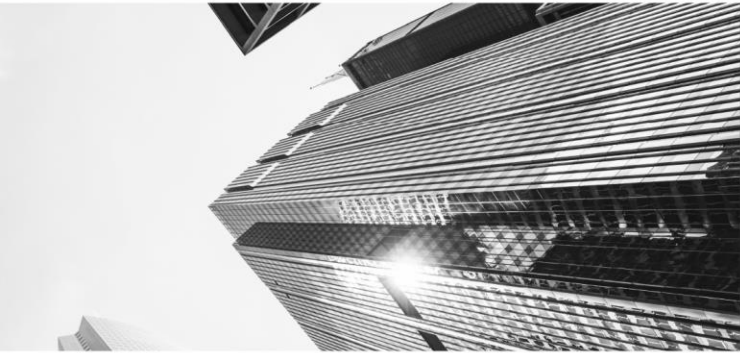
SEEK A "MODIFICATION"!!!!

OR ELSE.....



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CONTEMPT!

The court can enforce it's orders in many ways:

It can make them pay attorney's fees, interest, expert fees.

It can add interest.

And judge can order unlimited jail time.

With no bail!

Can order jail until it is all paid!

And the court CANNOT issue a retroactive reduction.

So do not wait and think she will understand.

FILE FOR A MODIFICATION.



How to convince them to be safe:

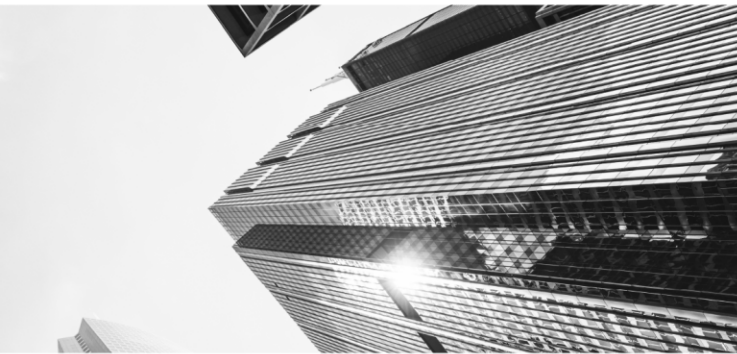
“What would you spend for a fantasy night?”

\$1,000.00?

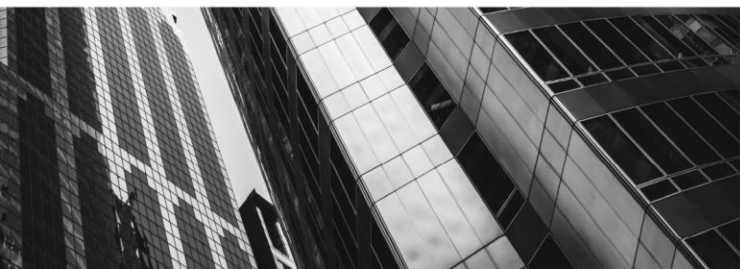
\$10,000.00?

How about \$5,000.00/month for 18 years?

\$1,080,000.00! (Child Support)



My cell:
(404) 449-4099



In a Pinch, Email or Call

I will talk you through it.

I will get you someone in your area.

The NFLPA has been great to me.

I enjoy giving back.

Please take me up on this.

Rkessler@ksfamilylaw.com

Cell: (404) 449-4099





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THANK YOU

