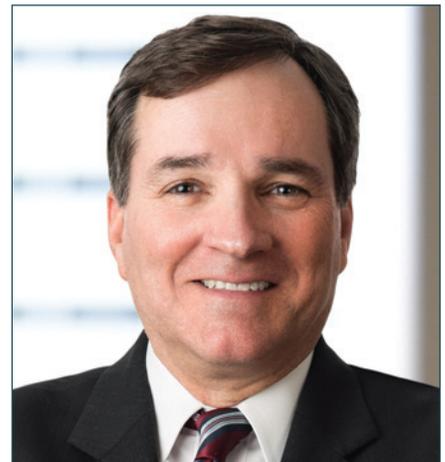


# TRAILBLAZERS

## FAMILY LAW

### ROBERT J. O'REGAN BURNS & LEVINSON LLP



**PIONEER SPIRIT** Bob O'Regan came to family law litigation gradually. "At the first firm I was with, I began getting involved in business valuation issues and appellate work. Because family law cases can involve every interest in any form of asset and any item of income, on top of the personal relationships, I came to view family law litigation as classic bet-the-company litigation. In Massachusetts it's a fascinating area."

**TRAILS BLAZED** O'Regan points to several notable wins. "We tried a case for a founder of a major electronics company. We succeeded in having a blockage discount recognized on the value of his shares, and this was upheld on appeal." In another appellate matter, a couple was splitting up and one wanted to return to Greece. "We were able to articulate a new standard for removal that was upheld on appeal." Another matter, *Pfannenstiehl v. Pfannenstiehl*, was about whether an interest in a discretionary spendthrift trust can be divisible as an asset. O'Regan won a unanimous Massachusetts Supreme Judicial Court reversal of an appeals court's decision that required his client, Curt Pfannenstiehl, to pay his ex-wife approximately \$1.4 million even though the client could not compel the trust to make a distribution to him. Another matter involved the claim in federal court by an ex-wife to breach of contract damages of more than \$12 million for a share of his post-divorce transaction bonus. "The question became whether that potential future bonus was an asset when they got divorced. The district court found for her, but we got it overturned by the First Circuit."

**FUTURE EXPLORATIONS** As the forms of assets, compensation and family life become more complicated, family law is also getting more complicated. "The lawyering has to improve with the complexity. There needs to be more clarity for judges and more education for clients so they understand their risks and opportunities. When lawyers approach these cases with an eye toward a fair outcome, they can frequently settle or at least narrow the issues significantly."