

Local

Loudoun divorce planner provides an alternative to lawyers

By Jim Barnes August 14, 2013

Bonnie Ashby Sewell knows from experience the toll that divorce can take on a family. When she was 9, her father left, leaving her mother to raise three children with no alimony and only sporadic child support. In 2007, Sewell's marriage ended in divorce after 28 years.

Last year, Sewell, 55, of Stone Ridge, coupled her life experiences and her background as a financial planner to launch a new career as a divorce planner. Based at the Mason Enterprise Center, a business incubator in Leesburg, Sewell works with couples or individuals who are beginning the divorce process. Business has been brisk, she said. In her first year, she helped divide more than \$18 million in marital assets.

Sewell prefers that couples see her before their lawyers become involved. "We find that attorneys are pot stirrers and get clients going in the wrong direction," she said. "Our goal in our work is trying to make both parties financially safe after divorce."

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Sewell, who charges a flat fee for her services, said that the standard practice, in which each partner starts the divorce proceedings by retaining an attorney, leads to a process that is costly and can be needlessly contentious.

“It’s a very common belief,” she said. “I’ll get a bigger pit bull than you will, and then I’ll win.” Instead, both parties often lose, she said. Lawyers’ fees can add up quickly, and both parties might end up paying more in taxes and fees than they need to when their assets are separated.

“The reason I think that’s backward is because now we have people entrenched and fighting, and we’re just going to patch it up with money,” Sewell said. “And what I see happen over and over again is not a great result. There’s a different result if we see a financial person first. We generally get a closer to fair outcome.”

She cited the example of one couple that decided to work with a mediator. In a mediation session at Tysons Corner, each spouse paid \$600 per hour for an attorney, plus additional fees to cover the costs of the judge, court reporter and mediator.

“In six hours, all they agreed to was to meet again in six months,” she said. That session alone cost her client \$10,000, she said, adding that “the judge and the attorneys call that a win.”

“Divorce is a multibillion-dollar industry running on all cylinders,” Sewell said. “But you don’t have to go into the multibillion dollar swirl . . . People should know that if they go into court, they run the risk of getting someone who doesn’t know them making decisions that will absolutely affect them the rest of their lives.”

Sewell’s goal is to work with both parties to come up with a settlement agreement that spells out how the couple’s assets will be divided, and which also covers child custody issues. They can then take the signed settlement agreement to their lawyers to create the

necessary legal documents. She asks that the attorneys make changes only if necessary for legal reasons.

Although Sewell prefers to work with both spouses, about 80 percent of the time she works directly with only one of the divorcing partners. She starts by reviewing all of the couple's assets and income and then begins the work of untangling their assets.

Minimizing tax repercussions is just one objective, she said. More important is building a foundation upon which each of the divorcing partners can build.

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Sometimes what might appear to be an equitable separation of assets at the time of divorce might turn out to be inequitable years down the road, she said.

Ann, a Hamilton resident who asked that only her middle name be used for privacy reasons, said that her ex-husband went to an accountant as they began the process of dissolving their 25-year marriage. After the accountant drew up a plan for dividing the couple's assets, Ann asked Sewell to look it over.

“If I would have looked at the proposal, I probably would have thought, ‘This is pretty fair; this is okay,’ ” Ann said. “Bonnie looked at it from a tax aspect, which I didn't understand or even think about. She also looked at it from a very long-term [perspective]: ‘In 10 or 20 years, you're going to be here and he's going to be there.’ So we kept working with the [accountant] on the proposal until it got to be something that we both agreed on. It ended up working better this way.”

Mia McNaughton of Sterling, whose 10-year marriage recently ended in divorce, said that her former husband was initially reluctant to go with her to see Sewell. But Sewell's

financial projections helped them both understand the long-term results of various scenarios.

“When he saw it in graph form, [in terms of] projected earnings, it made more sense to him,” McNaughton said. “And it didn’t look to him like me coming to him for more money, but really how to survive post-divorce.” The McNaughtons were able to reach an agreement, which they then took to one lawyer to prepare the necessary legal documents.

Sewell urges both partners to consider the welfare of their children as they work toward an agreement. She said that a husband, after doing some research, once informed her, “I only have to pay this much” in child support. Sewell asked him to carefully consider the true costs of raising the children. Eventually, he reconsidered, she said.

“Good for him for realizing that it’s not hurting her if he holds back, it’s hurting them,” Sewell said. “Sometimes you have to appeal to people’s better nature.”

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