

Spilling the Beans

An Inside Look and Examination of a Family Lawyer's Most Entertaining Files

Keeping It Civil: The Case of the Pre-Nup and the Porsche & Other True Accounts From the Files of a Family Lawyer

Written by Margaret Klaw, Esq.
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“I’m a family law junkie. I am riveted by the vortex of marriage, divorce, parenthood, sex, money, love, anger, betrayal, sexual orientation, reproductive technology, and the rapidly shifting legal landscape on which it all plays out,” are the first sentences written by Margaret Klaw, longtime Philadelphia family law attorney, and co-founder of the law firm Berner Klaw & Watson LLP. Her book “Keeping It Civil” is about family law and all of its deliciously private and remarkable nuances. Klaw engages her readers in personable prose as she delves into her professional experiences as a family law attorney. Written in a biographical voice, and organized much like an anthology, the book is peppered with vignettes of real client cases and experiences. Of course, she changed names and identifying details to protect privacy and client confidentiality where necessary.

Based in non-fiction, “Keeping It Civil” reads like an entertaining fictional novel, and is not intended as a “how-to” or legal resource. The short stories portray samples of family law issues that can arise, an explanation of the applicable law, rules of evidence

“Margaret Klaw’s keen observations about the law and human nature are eye-opening and jaw-dropping. A must-read!”
—LISA SCOTTLINE, author of *Come Home*

KEEPING IT CIVIL

THE CASE OF THE PRE-NUP AND THE PORSCHE & OTHER TRUE ACCOUNTS FROM THE FILES OF A FAMILY LAWYER

MARGARET KLAW

and civil procedure, and a peek into the mind of a career family law attorney as she maneuvers through a changing legal landscape of family law in Philadelphia, and nationwide.

Klaw seeks to, and succeeds in describing the modern state of family law; a niche that is hardly limited to divorce settlements and custody battles. She moves the reader through her book using clever legal titles such as Opening Statement, Legal Fiction, Opposing Counsel, and Sperm Donor v. Father. Mixing personal experiences with trial

strategy, and legal insight, she crafts a tale of a modern family law practice facing a more complex variety of issues such as divorcing same sex spouses, and sperm donor contracts.

Relying upon facts and law from her own firm’s case files, Klaw presents a compelling look into the reality – both ugly and beautiful – of the profession she loves. In the midst of a societal expansion of the definition of family, Klaw reflects on her unique, pragmatic and zealous way of advocating for her clients.

The Divorce Equality chapter drew a bold and true conclusion – marriage equality will not be complete without divorce equality. Klaw compared two very different quandaries faced by real clients she represented. The first client was a homosexual woman seeking to divorce her female spouse. The spouses lived in Philadelphia, but because of the more progressive marriage laws in Vermont, the couple had chosen to get married there. Now they wanted a divorce.

However, because Pennsylvania recognizes its own version of the federal Defense of Marriage Act, the state does not recognize same sex marriages. Therefore, her client could not get a divorce in Pennsylvania. However, her client could not get a divorce in Vermont either because the state requires six-months of residency to file for a divorce.

The second client’s quandary was different but equally frustrating and nonsensical. The client was an unmarried gay man who had been in a long-term relationship with another

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man. The couple's relationship ended and the client sought assets and support from his ex. As the two were a same-sex unmarried couple, the client was not entitled to such under the law.

Klaw explains in plain language what a prenuptial agreement is – a contract people sign before they get married that govern what will happen if they divorce or if one spouse dies. She also gives a brief and compelling analysis of estate laws in Pennsylvania, and the theory of spousal protection behind them. Analyzing *Simeone v. Simeone*, a 1990 Pennsylvania Supreme Court case, Klaw explains the legal landscape her client faced – essentially that prenuptial

agreements can be produced for signing during the walk down the aisle, and they do not have to be fair. Part of her legal strategy she revealed was: "When you have no real leverage in a negotiation, meaning nothing to withhold in order to gain something else, you have to resort to moral arguments." Klaw quips, "So for my [daughters], I worry, I educate, and I tell them not to sign any contracts their mother hasn't reviewed."

Klaw leaves her women readers with a moving piece of advice: "For women who have had the good fortune and perseverance to get education and training that enable them to work at a job that can support a family, it is a serious

gamble to put those skills aside in favor of being cared for by a husband. It might feel all cozy and comfortable, but there's no guarantee of happily ever after. The fairy tale can end in a heartbeat."

This book is a quick, fun, and legally insightful read to lawyers and non-lawyers alike – though being a female attorney practicing in Philadelphia myself, I found it particularly relatable.■

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