



BVR/Morningstar 3rd Annual Summit on Business Valuation in Divorce

Agenda:

Monday, September 13, 2010

8:00 a.m. – 8:30 a.m. Continental Breakfast

8:30 a.m. – 10:00 a.m. Divorce Testimony: Judges, Lawyers and Appraisers on the State of the Art

Featuring: Jay Fishman (*Financial Research Associates*)
William Morrison (*Morrison & Company*)
Hon. Thomas Zampino (*New Jersey Superior Court*)
John Kornfeld (*Aronson Mayefsky & Sloan, LLP*)
Mark Sobel (*Greenbaum Rowe Smith & Davis*)

While many appraisers have their own opinions of how to excel as an expert witness, success in this role is ultimately gauged by the judge and attorneys. This panel discussion features top family law judges and lawyers discussing what they look for from experts, their testimony, and their reports. Can appraisers help the courts by working out differences beforehand? What sort of guidance can you give to your lawyer? How can appraisers best prepare for both?

10:00 a.m. – 11:00 a.m. Professional Goodwill and Rights of Publicity

Featuring: Jay Fishman (*Financial Research Associates*)
Mark Roesler (*CMG Worldwide*)

States recognize the presence of personal goodwill differently, and the impact on value can be more important than any other factor. Fishman and Roesler will discuss the identification and valuation of personal goodwill – the goodwill associated primarily with an individual – as opposed to enterprise goodwill – the goodwill associated primarily with an enterprise or institution. Included will be a discussion of common approaches used to distinguish personal and enterprise goodwill – providing suggestions for identifying elements of both, the valuation of celebrities' "rights of publicity" (often a celebrity's most valuable asset), and how the process used to value these rights is applicable to goodwill valuations.

11:00 a.m. – 11:15 a.m. Break

11:15 a.m. – 12:15 p.m. Rules of Evidence in Divorce Matters: New Issues

Featuring: William Morrison (*Morrison & Company*)
Mark Sobel (*Greenbaum Rowe Smith & Davis*)
Hon. Thomas Zampino (*New Jersey Superior Court*)

The already difficult appraisal process can be complicated by what is and is not admissible as evidence in court. In this session, conference chair William Morrison and attorney Mark Sobel discuss emerging issues in the admissibility and use of evidence in court. Learn how evolution in this topic has – and will – come to affect your valuation work, and how a talented trial lawyer can use this against even the best appraisers.

12:15 p.m. – 1:00 p.m. Lunch

1:00 p.m. – 2:00 p.m. Discounts for Lack of Marketability: New Research & Other Issues

Featuring: Jay Fishman (*Financial Research Associates*)
Stacy Collins (*Financial Research Associates*)

This session will focus on the interplay of standards of value and marketability discounts in divorce. New additions to benchmarking, the limitations of restricted stock and pre IPO data will be discussed, along with the strengths and weaknesses of option models used in estimating DLOM's including collars and how best to present these methods and additions in court. Additional focus will be given to the application of DLOM under fair value if used in divorce.

2:00 p.m. – 3:00 p.m. Properly Implementing the *Bernier* Methodology in Valuing Pass-Through Entities

Featuring: Mark Harrison (*Meyers Harrison & Pia, LLC*)
Mark Luttrell (*Mayer Hoffman McCann P.C.*)

At the 2nd Summit on BV in Divorce attendees heard an overview of the *Bernier* decision. This year we will intensely focus on the foundational challenges required to properly implement the tax-affecting model set forth in that case. Commonly the most divisive and material issue in divorce valuation, pass-through entity appraisal is subject to immediate and intensive cross-examination on all variables and assumptions. In this session Mark Harrison and Mark Luttrell will guide you through the minefield of establishing theoretical and factual foundation for the variables of pass-through entity valuation.

3:00 p.m. – 3:15 p.m. Break

3:15 p.m. – 4:15 p.m. Show Me the Money! The Exploration, Examination and Dissection of Reasonable Compensation

Featuring: Kevin Yeanoplos (*Brueggeman and Johnson Yeanoplos, P.C.*)
Ed Rataj (*CBIZ Human Capital Services*)

The determination of “reasonable compensation” is arguably the most important variable in most valuations and litigation engagements. In this informative discussion, our panelists will discuss a number of crucial issues, including:

- Reasonable compensation methodology
- The elements of compensation
- Market pricing considerations
- Common mistakes in the determination of reasonable compensation
- The consideration of productivity
- Data resources
- Non-cash compensation, including stock options
- Relevant case law

4:15 p.m. – 5:15 p.m. Adventures in Wonderland: The Use (and Abuse) of Transaction Databases in Family Law Matters

Featuring: William Morrison (*Morrison & Company*)
 Stacy Collins (*Financial Research Associates*)
 Kevin Yeanoplos (*Brueggeman and Johnson Yeanoplos, P.C.*)

The market approach has always been fraught with challenges, particularly for expert witnesses tasked with presenting its use to the court. In today's economic climate it's becoming even more complicated, further exacerbating the difficult task of presenting it in testimony. What are some potential weaknesses of the market approach overall? Are private company transaction databases less relevant than they used to be? How do we deal with the changes in market multiples in the guideline public company method? What are some of the most common issues with using private and public company transaction databases? Learn ways to use these data sources more effectively.

5:15 p.m. – 6:10 p.m. Reception

Tuesday, September 14

8:00 a.m. – 8:45 a.m. Avoiding the Double-Cross: Pitfalls for the Joint Expert

Featuring: Jay Fishman (*Financial Research Associates*)
 William Morrison (*Morrison & Company*)
 John Johnson (*BST Valuation & Litigation Advisors, LLC*)
 Brian Brinig (*Brinig & Company, Inc.*)

This session will cover the complications involved in accepting the position of the neutral, or jointly retained expert. The panel will discuss engagement letters and scope of work, procedures for successfully performing joint retentions, and the use of the draft report to attempt to bring the matter to resolution. Frequent problems and some solutions will also be discussed—how to react when one side wants to spend more on forensic investigations and the other says “no,” for example.

8:45 a.m. – 9:45 a.m. Premarital Business Appreciation: Apportioning Active vs. Passive Appreciation

Featuring: Mark Sobel (*Greenbaum Rowe Smith & Davis*)
 Stacy Collins (*Financial Research Associates*)
 Mark Harrison (*Meyers Harrison & Pia, LLC*)

Measuring active and passive appreciation in separate property remains a complicated issue in divorce matters. In this session, Stacy Collins, Mark Sobel, and Mark Harrison will explore how different states have looked at quantifying appreciation due to passive or external forces. Various techniques used to provide a breakdown will be covered, with legal commentary as to how these issues may be presented in a litigation setting.

9:45 a.m. – 10:00 a.m. Break

10:00 a.m. – 11:00 a.m. Electronic Discovery: Drafts, Notes, Emails, Texts and How to Do it Right

Featuring: Mark Harrison (*Meyers Harrison & Pia, LLC*)
John Kornfeld (*Aronson Mayefsky & Sloan, LLP*)

Do you email? Do you text? Do you know how these communications can be used in court? As electronic communications become more common the rules admissibility are evolving in ways that can greatly benefit – or impair – the work of an appraiser or expert witness. In this session, Mark Harrison and John Kornfeld will discuss new federal rules that protect expert witness communication, and show how to protect yourself while working on divorce engagements.

11:00 a.m. – 11:55 a.m. The Impact of Healthcare Reform on Medical Valuations

Featuring: Mark Dietrich

Recent healthcare reform legislation has dramatically changed the values of many types of medical practices, and these issues are already appearing in family law matters. Reimbursement policies, the use of specialists, and policies on doctor-owned services have all changed—and with them the assumptions matrimonial lawyers and their expert witnesses take to court.

11:55 a.m. – 12:15 p.m. SSVS-1 and USPAP: Do the Courts Really Care?

Featuring: Jay Fishman (*Financial Research Associates*)
William Morrison (*Morrison & Company*)

SSVS-1 and USPAP are the professional standards to which many appraisers adhere, yet their application in court is neither universal nor always well understood. What does this disparity mean for the expert witness, the attorney, or the judge? In this conference summary conference co-chairs Jay Fishman and William Morrison discuss the gap between professional standards and court room realities.



Join us September 13-14, 2010
 Business Valuation Resources & Morningstar Present:

BVR/Morningstar 3rd Annual Summit on Business Valuation in Divorce

Save the Dates: September 13-14, 2010 . Chicago, IL

The *BVR/Morningstar 3rd Annual Summit on Business Valuation in Divorce* is the premier conference for lawyers, judges, and business appraisers who are active in this complex, risky, and lucrative area of business valuation. It is the only gathering where litigators, appraisers and the judges are side by side in the sessions as well as at the networking functions.

Learn hands-on best practice problem solving techniques, share in the experience of the top experts in the field, and stay abreast of changes in matrimonial law at this one of a kind program. Chairs Jay Fishman and Bill Morrison invite you to this exclusive event that will help set the highest standards in business valuation practices for divorce proceedings.

View Complete Agenda at www.bvresources.com/divorce
 Reserve your space today! Fax this form to: (503) 291-7955

Yes! I'd like to register early for the Divorce Summit in Chicago on September 13-14, 2010 for \$895.00
 (Early bird price expires August 13, 2010 - regular price \$1095.00)

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