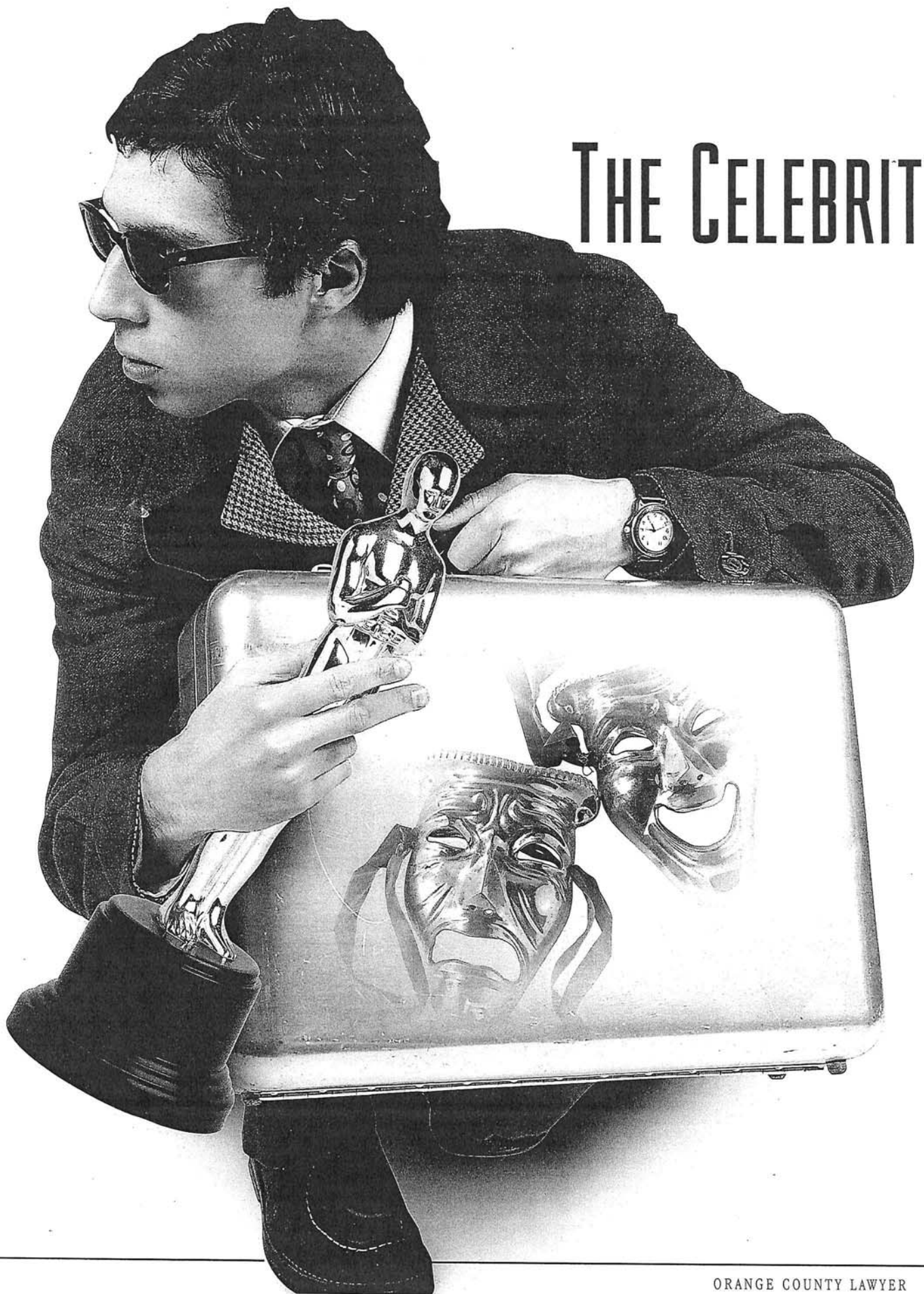

THE CELEBRITY



DISSOLUTION

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When involved in a family law proceeding, celebrities face unique and serious issues, which tend to make the already difficult family law proceedings even more complex and perilous. Because adversity can often be erratic and highly emotional, the high profile client has more at stake than "mere" custody and financial issues. His or her public persona is at risk and there may be no one quite so motivated to ruin that image than the opposing party. If the public persona is damaged, the celebrity will often blame the family law attorney for not protecting him or her. For this reason, when you take on a high profile case, the conscientious practitioner should plan for a team effort of experts.

NOT USUAL

The celebrity usually demands a lot. You must be comfortable breaking away from usual protocols. For example, a celebrity may expect constant availability and want your cellular or home phone number in the event of a media crisis. There is an implied assumption that the lawyer will be on call 24/7. A celebrity may insist on a particular partner of the firm to personally handle all aspects of the case including even simple court appearances

such as requests for continuances.

A celebrity can make enormous demands on the resources and personnel of the firm. For example, the celebrity may want to protect a unique and irreplaceable piece of art, or valuable jewelry from the other party. It would be prudent for the attorney to have a safety deposit box at a bank available or arrange to locate a storage facility which could provide adequate security pending court orders. Although time consuming, this kind of personal catering to the celebrity's preferences is important in helping assist the client through a very difficult time.

The attorney must effectively utilize the plethora of professionals surrounding the celebrity in his or her daily life. There will be agents, publicists, photographers, managers, and management companies. Oftentimes they can be of paramount assistance to the lawyer since they know many of the relevant facts, handle the celebrity's schedule, pay the celebrity's bills, and control paying your attorney fees. They will inevitably want to be involved in the decision making, since the agent's and manager's livelihood is dependent upon the celebrity's image and success.

CONFIDENCE

Most celebrities do not travel alone. That is, they have support personnel of their own. It is prudent for the family law lawyer to engender their confidence. All persons connected with the celebrity must join in the goal of bringing cohesiveness and a united front as to all issues. However, while having these people as allies will make a lawyer's job much easier, the lawyer must always insure that he or she has control over the legal issues pertinent to the case. It must be made clear, from the beginning, that the case will not be run by the celebrity's agent or the celebrity's manager.

Communications with the celebrity's employees and agents and some of the experts hired by the lawyer are subject to the attorney-client privilege. Evidence Code §952; *Upjohn Co. v. United States*, 449 US 383, 391-93 (1981); *Mills Land & Water Co. v. Golden West Redining Co.*, 186 Cal.App.3d 116 (1986); *People v. Gurule*, 28 Cal.App.4th 557 (2002).

PUBLIC RELATIONS

Public relations consultants may be

invaluable to a lawyer to assist in handling how the case is affecting the celebrity's image in the public and how the stream of information is being funneled to the media. These

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professionals may assist in devising a plan for not only the intentional dissemination of positive information to the media, but help in damage control in the event of a public rela-

tions crisis. Being prepared for such a crisis is well worth the time and energy in advance.

Be aware, too, that some attorneys allow themselves to become semi-celebrities by merely handling the case. Should this be your inclination, public relations consultants are imperative for training yourselves!

RULES OF COURT

As even unfounded and dismissed accusations levied against a celebrity in family court may damage a celebrity's public image long after the family law case concludes, one of the most effective methods of averting a public relations crisis is to keep unfavorable information private, or planning in advance how you plan to deal with such accusations.

Be aware of the rules limiting the information that you may convey to the media during a high profile case. California Rule of Professional Conduct 5-120 restricts, with some exceptions, what a lawyer may convey to the public, to matters that will not result in a, "substantial likelihood of materially prejudicing an adjudicative proceeding in the matter." Rule 5-120(b) gives specific examples of what a lawyer can safely convey to the public, such as a request for assistance in obtaining evidence and information contained in the public record.

Perhaps more important is subsection (c) to Rule 5-120, which allows a lawyer to make a statement designed to protect a client from the prejudicial effect of recent publicity not initiated by the client or the lawyer. A lawyer may collaborate with the client's public relations consultants to devise a statement to address and diminish damage caused by recent adverse publicity.

SECRET STUFF

When there is information you want the court to know, but you do not want released to the media, there are three things possible: 1) secure a stipulation which provides for privacy by the redaction of material; 2) secure a stipulation that the documents may be viewed by the court but withdrawn at the conclusion of the hearing; or 3) get an order for sealing the file. Generally, the court will seldom close family law proceedings to the public or seal a family law file. See Code of Civil Procedure §124; *IRMO Lechowick*, 65 Cal.App 4th 1406 (1998); *Estate of Hearst*, 67 Cal.App.3d 777

(1977). However, in high profile cases where celebrities are involved, a court may elect to so do, especially if presented with a Stipulated Confidentiality Order. Even if a court will not close the proceedings or seal the file, courts oftentimes will seal particular documents such as damaging declarations to protect a celebrity's reputation.

Also, a final resolution may also be kept from the public's eye through having two judgments. One judgment provides for the status termination, support and reserving on all other issues. The second judgment contains the remainder of the issues and will only be filed with the court if either party breaches the terms of the second judgment.



There are special code provisions providing for the confidentiality and privacy of cases in certain circumstances. Study specifically Family Code §§214, 3041, 7884, and 7643. If the family law case is an adoption, the law provides that an adoption of a child hearing may be closed to the public under Family Code §8611 (see also *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596 (1982)). Further, proceedings in family conciliation court may be deemed closed to the public under Family Code §1837.

OUT OF COURT

If the court will not grant the privacy sought by high profile clients, there are other options available to preserve confidentiality and privacy such as a "private" or "confidential" trial through a private judge. See CRC

Rule 244(g). Private judges may afford high profile clients privacy and confidentiality while saving money and time. When a private judge is appointed, the "hearings" often occur in a private office without public notice, thereby effectively preventing the media from overseeing the details of the proceedings. This gives the parties much more control over what, if any, information is disseminated to the public.

If the parties agree, confidential dispute resolution through mediation may be an effective tool for conflict resolution. Evidence Code §§1119, 1121. If they reach an agreement, they can enter into a confidential marital settlement agreement that is referenced but not attached to the Judgment. In that way, the confidentiality will be preserved. The



agreement will only be exposed if enforcement procedures become necessary.

EXPOSURE

Remember, in some cases, the opposing side may want public exposure and will fight any efforts to close the proceedings to the public. They want a personal litigation advantage or revenge.

All professionals involved must take internal steps in keeping the activity of the court proceeding private. Specifically, the lawyer must take actions to assure that the celebrity's file is kept safely in his or her own office. The file should be kept under lock-and-key. All employees should sign a confidential-

ity agreement. The office should employ a shredder to destroy extra copies of file documents. The lawyer should also assure that the computer database is secure from hackers and others who might gain access to the electronic data.

OTHER

Since celebrities often have homes in various states, a lawyer must consider which jurisdiction to select. In such a circumstance and although generally frowned upon, a bit of forum shopping may be strategically necessary. For example, if a celebrity has a home in New York and one in California and especially if the celebrity rose to stardom during the marriage, forum shopping is certainly appropriate. Celebrity goodwill is an example of how the law varies in different jurisdictions. In California, there is no controlling authority valuing celebrity goodwill as an asset, but celebrity, itself, is recognized in New York and New Jersey. These are important issues to consider.

Other issues to consider involve the unusual property issues inherent in dividing a celebrity's community estate. Even though the celebrity's business manager may want to control the property issues, it may be advisable to hire a separate forensic accountant and appraiser to work with the business manager. These experts will be able to delve through the complexities of property division, including the valuation of artistic works, residuals and works in progress. They can testify about the value of the community estate, prepare a marital balance sheet, and complete sometimes complicated tracings.

CONCLUSION

As with any client, a celebrity client must be advised to evaluate his or her estate plan in light of the changes inherent in a family law proceeding. These and many other considerations must be carefully weighed by an attorney navigating the potentially tumultuous waters of representing a celebrity client. The attorney must give the matter due consideration and must carefully reflect upon the unique demands, issues and pitfalls of representing high profile cases.



The authors practice in Beverly Hills.