

## Equitable Distribution

In New Jersey, the process of separating a couple's financial lives is governed by the principle of equitable distribution, a legal framework used to divide marital assets and debts fairly, though not necessarily equally. New Jersey utilizes a comprehensive set of factors to determine what constitutes a "fair and just" division. In working through the equitable distribution process on behalf of clients, our family law attorneys employ a nuanced approach intended to ensure that all relevant financial contributions and circumstances are properly considered. The process includes distinguishing between property acquired during the marriage and property owned by either spouse before the marriage or acquired through inheritance or gifts specifically to one spouse during the marriage. It is essential to carefully categorize assets to determine whether the asset should be included in the equitable distribution analysis. Thereafter, our attorneys work with professionals to establish an accurate valuation of holdings, which may include real estate, financial and retirement accounts, tangible assets such as personal property, and intangible assets such as intellectual property. The assistance of forensic accountants and business valuation experts is often required when valuing business assets, such as closely held businesses and professional practices.

Equitable distribution also requires the division of marital debts such as mortgages, credit card debt, loans and other liabilities to determine a fair allocation of those obligations.

New Jersey courts consider a statutory list of factors when making equitable distribution decisions, including the length of the marriage, age and health of the parties, the standard of living established during the marriage, the existence of prenuptial or postnuptial agreements, the income and ongoing earning capacity of the parties, and numerous other economic and lifestyle factors which may be relevant to the equitable distribution of assets.

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## Experience

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### Published Cases

- In *Balsamides v. Perle* (1999), a nationally recognized case, achieved a unanimous decision before the New Jersey Supreme Court establishing limits on the use of marketability discounts in forced buyouts of closely held companies. *Balsamides* is a leading valuation case for partnership or corporate dissolutions in New Jersey and is also used as a valuation case in divorce proceedings in the state.

## Insights & More

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### Announcements

Frank A. Louis Co-Authors Newly Published Treatise on New Jersey Family Law

10.20.20

### Seminars & Events

What's Mine is Mine. Creative Arguments for Exempt Assets

5.14.26

Family Law Hot Tips - Let's Talk About Tech

10.13.24

Gen X Divorce: Legal Insights and Strategies

8.25.24

Divorce: Dividing Asset Appreciation, Proving and Valuing Passive vs. Active Efforts

12.06.21