

Law Firm Recognized In Northern California Super Lawyers

Hal Bartholomew and Diane Wasznicky of Bartholomew & Wasznicky LLP have been selected for inclusion in the annual listing of *Super Lawyers Northern California* edition.

Legal publishing company, *Law & Politics*, invited more than 48,000 Northern California lawyers to participate in the nomination process, each of whom were asked to nominate the best attorneys in various areas of practice that they have personally observed in action. The rigorous nomination process also included *Law & Politics* researchers independent review of national and local periodicals, and meetings with law firms, among other professional factors. Peer evaluation panels were prepared in each practice area for further evaluation of all candidates. *Law & Politics* research department made the final selections after all research had been gathered. Candidates were categorized by law firm size and

highest point totals from each category. Only five percent of the total lawyers in Northern California are listed in *Super Lawyers*.

Since 2003, *Super Lawyers* has expanded nationally to all 50 states. No other legal publisher identifies candidates by using such a detailed, multi-step evaluation process. The result is a comprehensive listing of outstanding lawyers that is a useful tool for consumers of legal services or in-house lawyers looking to retain local counsel in a distant jurisdiction.

"It's an impressive list of legal professionals," stated Hal Bartholomew, Managing Partner, Bartholomew & Wasznicky LLP. "We're honored to be among them." 🍷



Partners and staff of Bartholomew & Wasznicky LLP unveil the new monument sign in front of the law firm's building.

For further details about the Family Law practice of Bartholomew & Wasznicky LLP, call (916) 455-5200 or visit DivorceWithRespect.com. For information about the Super Lawyers Northern California 2008, visit superlawyers.com.



THE LEGAL CORNER

Mediation: The Key To Controlling The Outcome Of Your Case

by Hal Bartholomew

Frequently, people only know one route to solving their marital issues: hire an attorney, race to the courthouse, and hope your attorney will convince the judge to find in your favor. Divorce is already a painful process without the continued stress of going to court, requesting and compiling discovery, forming interrogatories, and hiring experts. Litigation can be dragged out for many years and attorney fees continue to rack up. Both parties are unhappy about the situation and the stress increases daily because you do not know how the judge will rule, whether you will have to sell your house to settle with your former spouse, where the children will be for the holidays, how to pay for your bills, etc.

The questions keep coming and the answers seem so distant that you are unsure if they will ever arrive. All the while you might have forgotten why you and your former spouse are fighting or whether you are just fighting for the sake of fighting. The positive and respectful alternative to litigation is. . . **Mediation!**

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Hal Bartholomew Sports Park Kicks Off Construction



Hal Bartholomew and wife, Beverly Brautigam (center), with CSD board members at park groundbreaking ceremony.

The Elk Grove Community Services District (CSD), now-Cosumnes CSD, kicked off the groundbreaking ceremony of Hal Bartholomew Sports Park this past Fall—more than 15 years in the making.

Fifteen years ago when the East Franklin area was farmland, dirt roads and a few ranch houses, the CSD bought more than 40 acres for a large sports field there. The park is named after Hal Bartholomew, Sacramento area Family Law attorney and a long-time, local sports administrator and former CSD director who served on the board for 18 years before retiring.

The 46-acre, \$18.6 million park will neighbor Franklin High School and the dozens of houses built since

the time of the parkland purchase. The park will feature four, artificial turf fields with lights used for football, soccer and lacrosse year round—a first for the area. There will also be three softball fields, a baseball diamond, playground and a building that houses a community meeting room. Parking will accommodate 450 vehicles. CSD expects the park to be finished by Spring 2010 and will be completed without incurring a debt.

“While it’s taken some time to get to construction, it will be well worth the wait,” stated Hal Bartholomew following the groundbreaking ceremony. 🍷



THE LEGAL CORNER

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Divorce is almost always a difficult process for all persons involved. Mediation is the key to controlling the outcome of your case; it is a positive and a more productive way of dealing with such a difficult and emotional situation.

Mediation: Controlling the Outcome of Your Case

There are four elements that commonly determine whether a couple should consider mediation:

1. Willingness and some ability to communicate with each other
2. Good faith intent to deal fairly with each other
3. Substantial elements of openness and trust
4. A desire for the couple to decide for themselves and be satisfied by the outcome.

Couples primarily select mediation because it is cost effective and a less disruptive method of reaching a resolution.

Although a mediator need not be an attorney, a family law attorney is better able to provide procedural and legal explanations during mediation. With a family law attorney mediator, the couple can go through the mediation process with an understanding of the “shadow of the law.” This means that the attorney can provide feedback to the couple as to what the law states in a particular area of their case. The awareness of what the law provides and the legal alternatives are all part of the total information package needed to make intelligent and informed decisions. Although, the mediator can be an attorney, there is no advocacy for either party; rather the mediator is completely neutral and impartial to the outcome.

With mediation, both parties have control over their own outcome, allowing them the opportunity to think positively and creatively. At any time, a party may choose to hire a consulting attorney. Instead of battling out their disagreements in court through attorneys and focusing only on the past relationship, the couple meet with an impartial mediator that assists them in reaching agreements for their future. A mediator helps the couple reach an agreement regarding the division of their property, custody and visitation of their children, child and spousal support, and any other



Shana Fagnani Puts Her Education To Work

Life long area resident Shana Fagnani spent her early youth growing up in Camino, the Apple Hill region of Northern California. Her family eventually located to Sacramento, but Shana gained a great appreciation for the beauty of the area that continues today.

Shana earned a bachelor's degree in English Literature from the University of San Francisco, and returned to Sacramento to put her degree to work. She became an editor for a legal directory publication, producing and editing law firm biographies. Bitten by the writing bug, she left the publication to pursue a freelance editorial career. It wasn't long before the field of law would, once again, influence her career path.

"A close friend and family law attorney suggested that I come to work for her," stated Shana Fagnani. "She offered to assist with my paralegal education which was an offer I couldn't refuse."

Shana gained her paralegal certificate and continued to grow her skills, eventually working in the field of civil litigation before returning to Family Law and her paralegal position with Bartholomew & Wasznicky LLP. As paralegal to law firm partner, Diane Wasznicky, and family law attorney, Bryan Ginter, Shana's days are full. "While the cases can sometimes be challenging, it's very rewarding to help provide solutions to our clients," Shana observes.

In her free time, Shana enjoys hiking and spending time at the family cabin in Kyburz. With an



Shana Fagnani and Dexter

English Pointer that requires regular exercise, Shana's "hobby" can be enjoyed with more frequency. 🐾

issues related to the divorce or custody dispute. The mediator's role is to provide an opportunity for the couple to discuss their concerns face to face in a non-adversarial setting, reduce obstacles to communication, and encourage consideration of the alternatives. The mediator does not make the decisions for the couple, but instead acts as a facilitator. The mediator seeks to identify and clarify issues and to move the parties to solutions and resolutions. The mediator may suggest alternatives; however, the ultimate decision-making authority stays with the couple.

Preserving some relationship between the couple is especially important when children are involved. The couple will have to continue to communicate throughout their children's journey to adulthood. Children want both of their parents to attend afterschool events such as basketball games, plays, dances, etc., as well as participate with their education and parent-teacher conferences. If communication is severed, these events can turn into dreaded events instead of joyful ones. Even afterward, adult children have milestones that they would like both parents to attend such as graduations, weddings, anniversaries, and family reunions. If an amicable agreement is reached between the couple, these events will be celebrated successfully without the worry that the event will be ruined by their parents who despise one another.

Besides offering direct participation by the couple and fostering productive communication, mediation gives ease to typical concern for privacy. Unlike litigation, private mediation is completely confidential. Other than documents that must be filed with the court, the entire mediation process is confined to the four walls of the room used for mediation.

Divorce is almost always a difficult process for all persons involved. Mediation is the key to controlling the outcome of your case; it is a positive and a more productive way of dealing with such a difficult and emotional situation. 🐾

Odds & Ends

"This market is worse than a divorce. I've lost my net worth and I still have a wife."

—Anonymous

Current Divorce Rate in America
Approx. 50%

U.S. divorce rate for first marriage
41%

U.S. divorce rate for second marriage
60%

U.S. divorce rate for third marriage
73%

Provided by divorcerate.org

According to Discovery Channel, couples with children have a slightly lower rate of divorce than childless couples. At least 66% of all divorced couples are childless.

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PERSONAL PROFILE:

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CALENDAR

COLLABORATIVE DIVORCE WORKSHOP

Wednesday, Feb. 4 • 6:30–8:30 PM

*Learning Exchange Course
taught by Hal Bartholomew*
4740 Folsom Blvd.
Registration: (916) 929-9200

**FAMILY LAW 101 FOR
MENTAL HEALTH PROFESSIONALS**

Friday, Feb. 6 • 9:00 AM–12 Noon

*Presented by Hal Bartholomew
(Continuing Education credits offered)*
UC Davis Extension, Sutter Square Galleria,
2901 K Street, Room 209
Registration/Information: Lindie Newlin (916)
455-5200 or Lindie@DivorceWithRespect.com

**California Chapter Association of Family and
Conciliation Courts (AFCC) Annual Conference**

**“BRIDGE OVER TROUBLED WATERS”
The Turmoil Addressing Conflicts Between
Parties, Professionals and Paradigms**

Friday, Feb. 6–Sunday, Feb. 8, 2009

Mark Hopkins Hotel, Nob Hill, San Francisco
Registration/Information: www.afcc-ca.org

**FAMILY LAW 101
FOR FINANCIAL PROFESSIONALS**

Friday, Feb. 13, 2009 • 9:00 AM–12 Noon

*Presented by Hal Bartholomew
(Continuing Education credits offered)*
UC Davis Extension, Sutter Square Galleria,
2901 K Street, Room 209
Registration/Information: Lindie Newlin (916)
455-5200 or Lindie@DivorceWithRespect.com

**2009 LEGAL AND TAX STRATEGIES
FOR DIVORCE PROFESSIONALS**

Friday, Feb. 20 • 8:00 AM–4:30 PM

*Instructors: Hal Bartholomew, Family Law
Attorney and Beverly Brautigam, Certified
Public Accountant*

Doubletree Hotel Del Mar, San Diego

Information: Elisabeth Cullington
(858) 576-7300

**TWO-DAY BASIC INTERDISCIPLINARY
COLLABORATIVE TRAINING**

**Friday, March 27–Sunday, March 28
8:00 AM–4:30 PM**

Learn the basics of Collaborative Practice

*Presented by Sacramento Collaborative
Practice Group (Continuing Education
credits offered)*

Humphreys College School of Law
6650 Inglewood Ave., Bldg. 100, Rm. 135,
Stockton

Registration/Information Lindie Newlin
(916) 455-5200 or www.divorceoption.com

For more information about the calendar
of events, newsletter articles or Family
Law, visit www.DivorceWithRespect.com
or call (916) 455-5200.