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Divorce lawyers without borders

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When Evie Jeang was 12, she moved with her mother from Taiwan to the Los Angeles area. Her mother, who had divorced from Jeang's father a few years earlier, worked two jobs to send Jeang to a private school, but the hard work paid off when Jeang earned a J.D. from Southwestern Law School.

Today, she believes her transnational upbringing, with parents living about as far apart as two people can, put Jeang in good stead for the work she found for herself — international divorce.

As the world has grown smaller, especially through social media, marriages between citizens of different nations have become more common — and so have divorces. Family lawyers like Jeang increasingly find themselves representing clients splitting from spouses in foreign lands. It is a complicated business, involving clashing cultures, inconsistent legal systems and scant guidance about which country's laws control. Most practitioners work in small firms or as solos.

"We call it the Wild West Frontier of practice areas," said Jeang, managing partner of Ideal Legal Group, a four-attorney, minority-owned firm in Los Angeles. About 25 percent of the divorce cases she handles involve transnational marriages. Most clients arrive by word of mouth, she said, and through her ties in the Asian community in Southern California. She generally charges about \$350 an hour plus a \$5,000 retainer.

The U.S. government does not specifically track international marriages, much less divorces, but several indicators suggest they are on the rise. In 2000, 196,405 people obtained permanent resident status as spouses of U.S. citizens, according to the Department of Homeland Security. In 2011, the number was 258,320. The divorce rate in the United States is around 3.4 per 1,000 people.

"There's no question that international divorce is on the increase," said Marsha Garrison, a professor at Brooklyn Law School and secretary-general of the International Society of Family Law. "You get more international marriages, and you get more international divorces."

In Europe, the increase in international divorces has prompted lawmakers in some of the countries in the European Union to standardize divorce laws. The new rules, for example, allow couples to decide which country's laws they want to control the proceedings. And in China, the homeland of a growing number of Jeang's family law clients, the divorce rate shot up by nearly 15 percent between 2009 and 2010, according to China's Ministry of Civil Affairs. It climbed by more than 7.3 percent between 2010 and 2011.

COMMON FEATURES

Jeang has handled cases involving divorce laws in China, Taiwan, Brazil, Canada and elsewhere. Her most common cases echo her own background — the wife has moved to the United States so her children can attend school while the husband has remained in their native country, where he may own a business or property. Sometimes the parties resolve their disputes with little court intervention. But contested cases can move excruciatingly slowly, with simple matters dragging on for months.

"A lot of countries aren't computer-savvy," Jeang said. "Even getting a document [from the courts] can take weeks."

The location of the parties or their assets does not necessarily decide which jurisdiction controls — but that determination can prove critical to the outcome. Asset-disclosure laws in Japan, for example, are relatively lax compared with those in the United States. Prenuptial agreements are more frequently enforced here than in England. Cheating spouses in France often pay more in support than they would elsewhere. Alimony laws vary greatly.

"Both parties are after the laws to their advantage," said Katharine Maddox, a family lawyer in Tysons Corner, Va., and fellow of the International Academy of Matrimonial Lawyers. Understanding the differing laws is complicated enough, but managing cultural nuances at the same time is tricky, too. For example, dowries are illegal in India but common nonetheless, she said. Maddox has had cases in which a divorcing woman wanted her to get her dowry back once the couple split — an impossibility under the law.

In another case, a client from Egypt sought Maddox's advice about arranging for her divorcing husband to buy a home for her and their children. In Egypt, the husband frequently must provide such accommodations upon divorce. Not so, here. "She believed she had a right to that," Maddox said.

Maddox, who, like other international divorce attorneys, spends a good deal of time traveling abroad on client matters, also networks often with members of the International Academy of Matrimonial Lawyers, which helps bring in business and provides a roster of attorneys all over the world to whom she can refer cases.

Obviously, the most effective attorneys understand the laws and customs of the countries involved, said Garrison, the law professor. But getting one's hands on the appropriate statutes and treatises can be a huge challenge. Lawyers here are accustomed to clicking on Lexis or Westlaw; browsing the family law statutes in Estonia, for example, is much tougher, she said.

"There is an enormous amount of difficulty even in giving your client advice on which jurisdiction to file in," Garrison said.

The most complicated cases involve custody and child support, said Jeremy Morley, an international divorce solo practitioner in New York. "Money is just numbers in the bank. Children are different," he said. Morley charges about \$500 an hour, he said.

Most countries continue to favor the mother in custody battles, but in Muslim countries, for instance, the father often is declared the custodial parent of children who have reached school age.

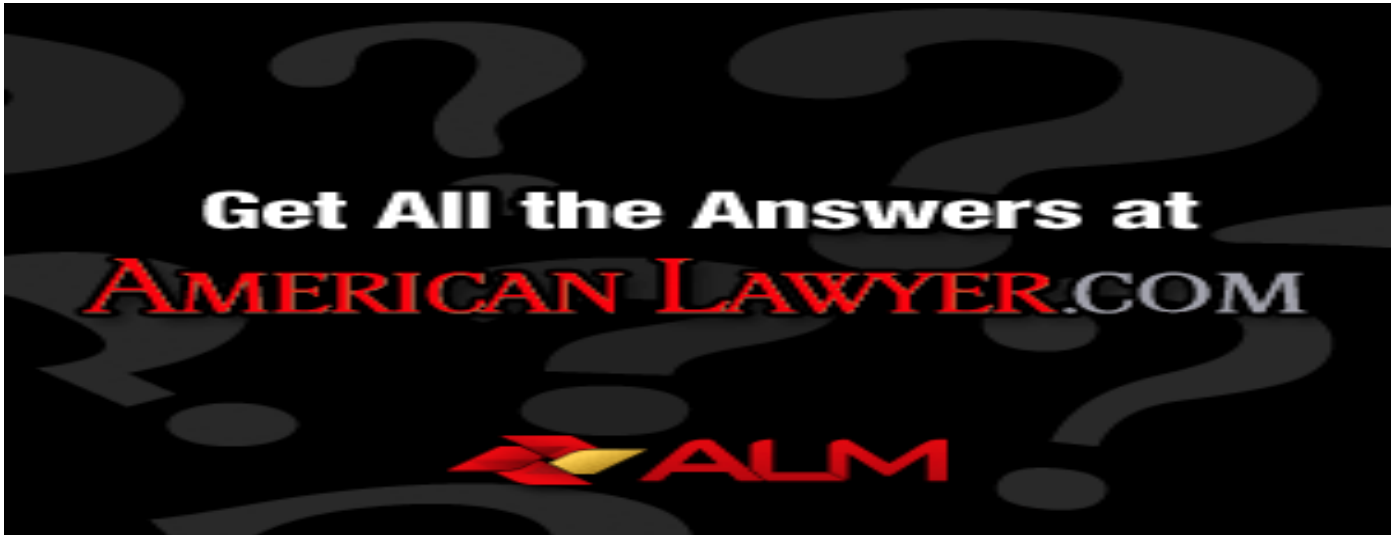
In bitter international custody battles, sometimes one parent fears the other will take the children abroad, Morley said. There is reason for that concern: In 2010, nearly 1,500 children were abducted by family members from the United States, according to the U.S. Department of State.

Maddox just took on as a client a Mexican citizen whose wife refused to return to Virginia with the children following a family visit to Mexico City. She is petitioning the Virginia court to order the kids returned. "Once we have court orders for custody, we will initiate an international Hague petition," she said.

Most industrialized countries are governed by the Hague Convention, which requires them to send abducted children back to where they had been living. But compliance can be spotty and governments devote varying resources to getting children back home.

Despite the uncertainties and inconsistencies in international divorce law, these attorneys said, the practice can be extremely rewarding — whether it's reuniting children with parents or obtaining financial support for clients who have been cut out of their spouse's lives. "It's like playing a chess game," Jeang said.

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