

# Myth-busting in high-profile divorce

Lore of such legal dramas rarely turns out to be based in reality

BY JAY FRANK

One of the richest people in the world, Ken Griffin, recently filed for divorce in Chicago from Anne Dias Griffin, his wife of 11 years.

The spotlight will shine hotly on this divorce case. The Griffins are wealthy hedge fund operators.

Mr. Griffin founded and operates Citadel, and he reportedly is worth \$5.5 billion. He's listed as No. 274 on the list of the wealthiest people in the world.

Ms. Dias Griffin founded Aragon Global Management, which, at its peak, managed as much as \$200 million in assets.

Her lawyer has complained that Mr. Griffin took her by surprise by "unilaterally" filing while she was on vacation with their three children.

The bickering raises the prospect of more acrimony, but no one can know how this case will play out.

What we can do is put to rest a few myths:

**The loudest lawyer wins.** Mr. Griffin is using the Berger Schatz firm in Chicago as his lawyers. The firm is well-known and has experience in high-profile cases.

Ms. Dias Griffin is using New York lawyer Robert Cohen. He has represented the likes of Christie Brinkley and Uma Thurman.

This should be a good court matchup. The lawyers will pull out all the stops for their clients. For the attorneys, as well as the Griffins, their reputations are on the line.

Cohen, representing Ms. Dias Griffin, has been called the "pit bull" of divorce lawyers.

Does this give her an edge? Not at all. Judges are not impressed by labels.

At the end of the day, it's expert legal representation that counts. We can expect that from both of the legal teams.

Shouting and banging your fist just doesn't work. It may impress the client or make the newspapers, but it will not sway the judge.



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Billionaire Chicago couple Ken and Anne Griffin's divorce case could become very public if they don't settle.

**It's an advantage to be first to file.** The couple apparently had been living separately for a year when Mr. Griffin filed. Discussions on how to legally split up must have broken down. Mr. Griffin and his lawyers probably decided that the best way to get the process moving was to file the divorce case.

Being the first to file does not give Mr. Griffin any real advantage. Under Illinois law, the divorce is granted to both parties. So one party is not favored over the other.

The parties' rights with respect to property and financial matters, and issues regarding the children, remain the same no matter who files first.

**Sordid details always come out.** Not necessarily. Lawyers handling high-profile cases typically try to settle the case before starting in court. Remember all the ugly details that came out of Michael Jordan's divorce case? No, because the matter was settled before the case even began.

The Griffins were unable to settle things before the filing. But they and their lawyers can keep talking in private.

The parties may decide to use a neutral mediator to suggest solutions to sticking points. Mediation sessions also are private.

If a settlement is reached, the details usually are put in two agreements. One deals with the children and the other property division, financial matters, etc. These agreements can be kept out of the public files.

**Prenups solve everything.** The Griffin divorce petition states that the parties have a prenuptial

agreement. Prenuptial agreements can cover a variety of issues. The parties can agree on spousal support — it can be limited or even waived. They also can agree on how their property will be divided — who gets what.

However, prenuptial agreements can be attacked. They can be thrown out if not prepared correctly.

Also, prenuptial agreements cannot control issues relating to the children. The Griffins have three kids, ages 6, 3 and 2. Custody, visitation and child support must be approved by the court. The parties' agreement can be disregarded.

**The parties want a trial.** If all fails, the parties will go to trial, and that's a risky way to end a case. All of the financial matters and all of the issues regarding the children are in the hands of one person — the judge. There are no juries in Illinois divorces.

A trial also removes the veil of privacy. The Griffin trial could be a real spectacle: one of the largest divorce cases to go to trial, complete with high-profile litigants and high-powered lawyers. The laundry, sometimes dirty, is now out in the open.

These concerns lead many parties to redouble their efforts at settlement. The Griffins would be no exception. The last thing they would want to see is their private lives played out on the nightly news.

*Frank is chair of the Family Law Group at the Chicago law firm of Aronberg, Goldgehn, Davis & Garmisa. He has been selected as one of the top matrimonial attorneys in Illinois.*