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## THE IAFL USA CHAPTER NEWSLETTER

2022 ed.

**CONNECTION, COMMUNITY, AND FUN NEWS!**



**Arguing Before the Supreme Court**

by Richard Min

I am not sure there is anything that can adequately prepare someone for their first argument before the U.S. Supreme Court. Sure, moot courts and months of preparation help, but sitting in that chamber getting ready to answer the first question from a Justice is daunting to say the least.

I used to say that my two favorite things as a lawyer were cross examination and oral argument. I've argued six federal appeals and a few other state appeals (in addition to litigating almost 50 abduction cases in about a dozen states) prior to my recent argument in *Golan v. Saada* on March 22, 2022, the fifth Hague Abduction Convention case to be heard by our highest court. But my favorite argument was in support of a motion to dismiss in federal district court where the Judge proceeded to interrogate my position for 45 minutes. Afterwards, I sat down suffering from mental exhaustion. Then the Judge spent only a few minutes asking questions of my opponent. The Judge granted my motion immediately from the bench.

As I sat in the U.S. Supreme Court chambers sitting and waiting my turn (3rd) for almost one hour to present argument, I looked around at the mostly empty room with little or no media present (at Judge Jackson's confirmation hearings), no audience (Covid rules), and missing one Justice (Thomas), and realized that this would be like no other experience in my life. I reached out to take my first sip of water only to see my hand shaking ferociously. Did the Justices see that? I hope not. Again, another sip and more shaking. This went on for the entire hour. Then it was time to stand up and present argument and I realized then that I was doing one of my two most favorite things to do as a lawyer on the biggest stage there is. It was fun.

One of the best bits of advice I got from so many generous colleagues along the way was not to give in so easily when pressed by the Justices. So, when *ScotusBlog* wrote that in response to one of Justice Gorsuch's questions, "Min pushed back a little," I felt like I had done my job.

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## "Selfies with Sue" - Adventures in Greece by Sue Moss

Rich with history, lively, and vibrant, Athens, Greece recently hosted the IAFL's European Chapter Meeting in May. Between the walking tours of the city and the cruises to nearby islands, this rowdy group of divorce lawyers continues to prove that a week of early morning Education Programs are

always worth the trip across the world.

The best moment from the entire conference was from the President's Dinner at Blue Pavillon, where traditional Greek dancers attempted to teach us the *syrtaki*. After a few lessons to music from *Zorba the Greek*, we just had to teach the professional dancers a few of our own classic moves.

Although we spent most of our time wondering aimlessly lost around the Ancient Grecian city, we still somehow managed to stumble into the only Tiki Bar in Athens (creatively named Tiki Bar Athens).

On Friday, we ventured to Ilisia, where we had dinner at Cookoovaya, a huge restaurant known for their upscale Mediterranean cuisine. However, no restaurant is too swanky for us. After dinner, we turned the beautiful restaurant into a pseudo-karaoke bar where we sang along to every song that ever-mentioned San Francisco.

While Ancient Greece serves as the birthplace of democracy, modern day Athens continues to live with political activism. Every time we tried to go anywhere, there was always a protest blocking the streets. Luckily for us, we all got in our steps because none of the buses were working.

And though I was only in Greece for 3 days, I managed to take 7 days' worth of selfies:













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## Adventures and Progress in Spain

by Peter Buchbauer

I was honored to represent the Academy at the International Congress of AIJUDEFA in Seville, Spain from May 24 to May 27. On May 24, I was able to make a presentation to the group about the IAFL, our hopes to create a Latin American Chapter and our plans to bring the 2023 meeting to Lima, Peru. I delivered the presentation in English with a simultaneous translation in Spanish by my wife, Jane. It was very well received. I am hopeful that we will add Fellows to our ranks both from Latin America and from Europe thanks to our efforts.

Three wonderful days in Sevilla were the bonus as Jane and I met many attendees from throughout the Spanish-speaking world and renewed friendships with some Spanish-speaking Fellows.

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### **Cryptocurrency - A Growing and Potentially Hidden Giant**

By Nick Oldack, ASA, Senior Manager, Advisory Services, Marcum LLP  
on Behalf of Ken Pia

As the popularity and adoption of Bitcoin and other cryptocurrencies continue to rise, our jobs as forensic accountants in the matrimonial space have become increasingly difficult. Now, more than ever, financial experts need to be knowledgeable about:

1. What cryptocurrency is.
2. Where cryptocurrency and other related assets are held.
3. How to track and identify crypto assets.
4. How to value these assets.
5. Income generated from these assets.

#### **1. WHAT IS CRYPTOCURRENCY?**

Let's start with what cryptocurrency is. Per Investopedia:

*"A cryptocurrency is a digital or virtual currency that is secured by cryptography, which makes it nearly impossible to counterfeit or double-spend. Many cryptocurrencies are decentralized networks based on blockchain technology—a distributed ledger enforced by a disparate network of computers. A defining feature of cryptocurrencies is that they are*



*generally not issued by any central authority, rendering them theoretically immune to government interference or manipulation.”*

The crypto industry has grown exponentially in recent years. As demonstrated in the chart below, the market capitalization of all cryptocurrencies increased from approximately \$15 billion at the beginning of 2017 to approximately \$2.1 trillion as of August 30, 2021. Leading the way are Bitcoin (BTC) and Ethereum (ETH) represent total market share of 43.6% and 18.3%, respectively.

As the popularity of the industry continues to rise, you can expect crypto-related issues to become more and more prevalent with your clients/caseloads. Due to the significant growth in the industry, it is not abnormal for modest investments of even a few hundred dollars to turn into gains of hundreds of thousands of dollars over short time periods. That begs the question: Where are cryptocurrency and other related assets held?

## **2. WHERE IS CRYPTOCURRENCY HELD?**

Due to their digital nature, crypto assets are most often held in online, app-based “wallets” that are used to protect an individual’s Bitcoin and other types of cryptocurrency. In addition, hardware wallets and software wallets can be used to store cryptocurrency. Each wallet has its own password and seed phrase, which is typically comprised of a 12 or more word security phrase. Unlike banking with a large financial institution, if you lose your credentials there is typically not a customer service number to call or a “forgot password” link to click. As many have found out the hard way, misplacing your security phrase can lock you out of your wallet forever, costing you hundreds, thousands, or millions of dollars in crypto assets. Identifying which wallets someone uses is where things become difficult. It is not uncommon for someone to utilize four or more wallets. In fact, using multiple wallets is typically encouraged to spread out assets and mitigate the risk and magnitude of a security breach or a locked account. Due to the number of wallets available and the general lack of understanding about this industry, tracing and finding assets can become a difficult process.

## **3. HOW TO TRACK AND IDENTIFY THESE ASSETS**

While there is no foolproof way to identify all potential assets, it is time for us in the litigation community to become more aware of how significant these assets could be, and that they may not be easy to find. Here are some potential ways to identify these assets:

- Make sure to include cryptocurrency-related items in all discovery requests at the outset of each engagement;
- Ask pointed questions during client/opposition interviews;
- Prepare pointed questions to ask at deposition or through interrogatories;
- Review personal income tax returns for any income reported relating to crypto assets;

- Review financial affidavits or statements of net worth to see if there is any mention of crypto assets; and
- Review bank, credit card, and brokerage account statements seeking deposits or withdrawals to or from any crypto exchange (i.e., Coinbase) that would signify cryptocurrency activity.

If any of the above steps reveal activity in the crypto industry, it is imperative to do a deep dive to attempt to identify potential cryptocurrency/digital assets.

#### **4. HOW TO VALUE THESE ASSETS**

Once identified, the valuation of these assets may be very straightforward. Similar to the stock market, there are several reliable resources that report up-to-the-second prices for cryptocurrency assets. However, unlike shares of some large publicly traded companies, crypto assets are extremely volatile and can increase or decrease by 20% (or way more) in value within any given 24-hour period. It is important to constantly update these values throughout any litigated matter.

While most crypto assets can be easily valued based on their public exchanges, other crypto assets, such as the increasingly popular non-fungible tokens (NFTs) can be much more difficult to value.

#### **5. INCOME GENERATED FROM CRYPTO ASSETS**

It is also important to be aware of potential income that can be generated from these assets in the form of staking, yield farming, etc. There are several platforms that provide a yield for staking or providing liquidity with crypto assets.

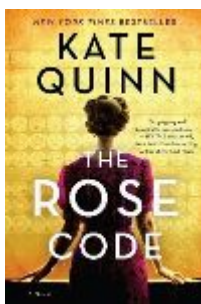
#### **CONCLUSION**

While many think they are “too late” to cryptocurrency because they missed out on the minuscule prices that existed a decade prior, the reality is that the industry is still in the early stages of its adoption cycle. As the crypto industry continues to evolve, identifying and valuing these assets will play a huge role in many of the cases both lawyers and financial experts will come across on a day-to-day basis.

View the full article [here](#).



Summer is well on its way and with it comes the hope and anticipation of "down-time" to get away from the legal reading you do every day; time to enjoy other kinds of books "just for fun". That being said, fun reading can take many forms. Some of us like to read fluffy stories that do nothing but entertain us with romance, mystery, or drama. Others look forward to delving into some event of the past with historical fiction or non-fiction. Whatever your interest, there is certainly a lot out there. To that end, I offer a couple of the selections that have piqued my interest of late.



*The Rose Code* by Kate Quinn can be found [here](#).

Personally, I favor historical fiction and non-fiction. The events of WWII have been topics of that genre that continue to provide a lot of story plots and study. Of that time, my favorite author has become Kate Quinn. Her books, *The Huntress*, *The Alice Network*, and *The Rose Code*, provide tremendous insight into heroes of that conflict. The most fascinating of the three I mention here, in my opinion, is *The Rose Code*. Set in Bletchley Park, in Great Britain during the war and into the beginning of the Cold War, *The Rose Code* is interesting and well researched. It tells the story of three women who work alongside Alan Turing in that now well-known site of Allied code breaking. On a more dramatic note, it theorizes the relationship between Prince Philip and one of the Bletchley Park employees prior to his courtship of Princess Elizabeth. I also had the pleasure of reading the non-fiction *The Splendid and The Vile*, by Erik Larson, just prior to reading *The Rose Code* and was delighted to find how well the events aligned.



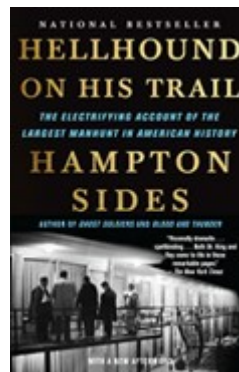
*The Splendid and the Vile* by Erik Larson can be found [here](#).

Erik Larson has become a popular non-fiction writer of many historical events. *The Splendid and the Vile* focuses on Winston Churchill's management of the beginning of WWII and his intuitive

attempts to draw the United States into the conflict. It provides the reader with insight into a determined, probably narcissistic personality whose gruff, unconventional approach to world events brought Great Britain through a time that otherwise might have seen its demise.

While I thoroughly enjoyed *The Splendid and The Vile*, I would be remiss in my recommendations to continue without offering a couple of other books by the author that are excellent. Probably his most famous book is *The Devil and The White City*. Set in Chicago during the World's Fair of 1893, it tells the stories of the creation of the fair, the culmination of the event, and the activities of HH Holmes--America's first documented "mass murderer". Holmes' crime spree terrorized Chicago during that historic celebration of "modern" technology.

Another of Erik Larson's books, for those most enthralled with the events of the 1930's, which I would recommend, is *In The Garden of Beasts: Love, Terror, and an American Family in Hitler's Berlin*. *In the Garden of the Beasts* focuses on the first American ambassador, William E. Dodd, to Hitler's Germany and his daughter, Martha, whose interest in the pleasures of influence puts her in perilous relationships with Nazis and spies. While well researched non-fiction, it reads like a dramatic espionage novel.



*Hellhound on His Trail* by Hampton Sides can be found [here](#).

Moving on to another author whose non-fiction I have recently discovered is Hampton Sides. *Hellhound on His Trail: The Electrifying Account of the Largest Manhunt in American History* is a thorough and engaging book recounting the events leading up to and culminating in the assassination of Dr. Martin Luther King by James Earl Ray, which then put the country into perilous racial divide. The story of the ensuing manhunt that led international agencies to Great Britain where Ray was ultimately apprehended is relayed with care and clarity.

Historical fiction and non-fiction are not the only genres I read. There has been a plethora of literature that deals with the Black experience, an incredibly poignant narrative that sheds light onto how the United States' disturbing past continues to have a prevalent effect on Black identity and culture. *Native Son* by Richard Wright and *To Kill a Mockingbird* by Harper Lee deal with the injustices suffered by black Americans were troubling and important. This year I have read two other, more recent, selections that explore more modern perspective on the Black experience. The

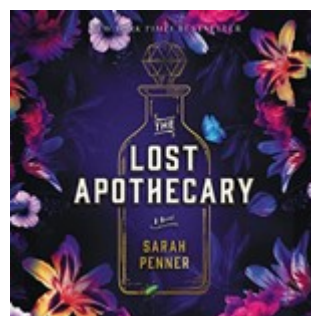
first is *Black Cake* by Charmaine Wilkerson. *Black Cake* looks back the events of the life of a mother who left the Caribbean island of her birth under criminal suspicion. The mother has died, and the story follows her children's reactions to an audio account that she has left behind for them. The second book is *The Vanishing Half* by Brit Bennett. *The Vanishing Half* focuses on the life choices of twin sisters who must navigate their racial identities as light-skinned black women living in an unaccepting society. The novel explores a variety of topics, including colorism, classism, racism, and LGBTQ+ identities.



*The Vanishing Half* by Brit Bennett can be found [here](#).

In my recent ventures into books of fantasy, I have read and enjoyed two book which I offer for those who like to simply leave reality for a little while they read.

The first is *The Golem and The Jinni* by Helene Wecker, a story set in the late 1800s in NYC where a Golem--a monster of Jewish folklore in the form of a woman--and a Jinni--a fantastical creature from Arab culture who has been enslaved in the form of a human man--befriend each other in lower Manhattan. It is wonderful story that puts the characters in a setting and plot line that is creative and engaging. It is the first of two books by this author about these characters and I look forward to reading the next one which was recently released.



*The Lost Apothecary* by Sarah Penner can be found [here](#).

The second book I offer is *The Lost Apothecary* by Sarah Penner. A dark narrative that jumps between late eighteenth century and present-day London, *The Lost Apothecary* is a woman who has made it her life's work to provide women of her time--the 1790s--with poisons to free them from the men in their lives who have abused and oppressed them. In present day, a young woman who plans to celebrate a wedding anniversary in London finds out that her husband has



been having an affair and proceeds to go to London alone. Their stories intertwine when, in the course of present-day events, the second woman's curiosity is piqued by the story of unsolved murders that occurred in London two hundred years before.

So many books, so little time!! I could probably go on and on, offering numerous titles that I have enjoyed and would love to share but it would take an entire newsletter just to contain them. I hope your summer is amazing and your recreational reading provides you with the outlet you crave to leave the world of the office behind. Happy reading!

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## Get Excited for Marrakech, Morocco!



Register [Here!](#)

Marrakech, Morocco –one of Morocco's four imperial cities, will host the 2022 IAFL Annual Meeting starting on November 30. Join the IAFL as we navigate through the vibrant city and explore the cultural mixing pit of Berber, Arab, European, and African cultures for an unforgettable experience.

At the heart of the city lies its historic city center – a UNESCO World Heritage Site – known as the

Medina of Marrakech. Famous for its salmon-pink walls and surrounded by the Atlas Mountains, the Medina of Marrakesh continues to be a political, cultural, and economic center. Past the ancient *souks* full of spices, delicious food vendors, and musical performers, you will find architectural gems that include El Badi Palace, the Ben Youssef *Madrasa*, the Koutoubiya Mosque, among many other cultural marvels.

The IAFL has a limited number of rooms at the beautiful Four Seasons Hotel in the Heart of the illustrious Red City. Surrounded by refreshing pools and Moorish gardens, the retreat blends the contemporary and the traditional in unexpected ways. We look forward to seeing you all in November!



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