

DIVORCEmate News & Views

For Users of DIVORCEmate Software

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www.divorcemate.com

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Information - call (416) 718-3461 Ext. 446

DIVORCEmate “Pay Per Use” Plan Announced SSAG Full Steam Ahead

For 18 years, our DIVORCEmate News & Views has been an important source of information for our 6,000+ software users - productivity hints, seminar schedules, update and new product announcements, Family Law and technology information, humour and more. Please ensure that it is circulated to all family law professional staff including support staff, students, law clerks, justices, judges, mediators, professors, accountants and lawyers.

DIVORCEmate Announces Optional “Pay Per Use” Pricing Plan For Current BC and Ontario Customers



You asked for it, you got it! Starting in 2006, the use of **DIVORCEmate software may be FREE** to any law firm or sole practitioner who opts into our new “Pay Per Use” (“PPU”) transaction-based pricing plan. In other words, using DIVORCEmate software will have a minimal net cost to your law firm.

How is this possible? Each time you open a new client file using DIVORCEmate software, DIVORCEmate will bill you for a “single use” of our software for that particular client. Your firm, in turn, bills the client a disbursement fee for the cost of using the DIVORCEmate software. We bill you; you bill your client!

What do you get with this PPU Plan? You get the use of current versions of DIVORCEmate products including all Forms+, Tools+ and Precedents+ modules. You also receive software service and support AND you are using the latest versions of all modules!

How is the PPU software different from the current offering of Forms+, Tools+ and Precedents+? The software is identical, except for the procedure for opening a new client file. The 2006 internal changes to the PPU and original “per seat” DIVORCEmate software are significant and have resulted in an appreciable increase in speed and performance.

What will the “per use” price be for DIVORCEmate? The final cost has not been determined but it will be reasonable and in keeping with other “pay per use” transactional-based legal software offerings.

How do I/we opt into this new PPU Plan? We will send each eligible DIVORCEmate user a “PPU Opt-In” form early in 2006. This “Opt-In” package will contain all necessary information about the PPU Plan.

Can I/we stay on the old “per seat” licensing plan?

Yes, you may remain on the old “per seat” licensing plan and pay annual Updates and Supreme Service and Support Plan fees.

What are the hardware and software requirements for this PPU Plan?

You must have access to the internet (yes, dial-up is OK, but not optimal) and you must have an e-mail address. In almost all cases, no hardware or software upgrades will be necessary.

Will I/we have a record of the PPU purchase for each individual client?

Yes, you will be able to produce an account receipt or invoice for each client PPU Plan purchase, including client’s name and the amount of the PPU purchase.

What happens to my current Supreme Service and Support Plan if it has not expired when I/we opt into the PPU Plan?

We will issue a pro-rata credit to your account for the unused portion of your Supreme Plan.

What happens if I/we recently purchased DIVORCEmate software?

We will credit your account with a pro-rata amount less a minimal PPU account s fee.

Please watch for further information in our January 2006 *DIVORCEmate News & Views* and watch our website. If you have any questions about our PPU Plan, please contact Mark Harris at markharris@divorcemate.com.

SSAG Summer Review

By Rollie Thompson & Carol Rogerson

In early August, the British Columbia Court of Appeal approved the use of the Spousal Support Advisory Guidelines in its decision in *Yemchuk v. Yemchuk*, [2005] B.C.J. No. 1748, 2005 CarswellBC 1881, 2005 BCCA 406. Stated Justice Prowse for the Court: “I have no hesitation in viewing the Advisory Guidelines as a useful tool to assist judges in assessing the quantum and duration of spousal support.” The Court understood “their intention and general effect is to build upon the law as it exists”, and not to change the law. For lawyers, importantly, the Court characterised the status of the Guidelines: “they do not constitute evidence, but are properly considered as part of counsels’ submissions.”

Allowing the appeal, Prowse J.A. found Mr. Yemchuk entitled to support after a 35-year marriage, on both compensatory and non-compensatory grounds. Support was to be paid until the wife retired (the husband was

already retired). The amount was fixed by the appeal court at \$1,100 per month, at the low end of the *without child support* range (recognising the wife's employment expenses and compulsory employee deductions).

This is the most significant of the forty decisions citing and using the Advisory Guidelines since their release in late January 2005, and the first appeal court decision. In *Yemchuk*, the B.C. Court of Appeal cited and relied upon the reasons of Justice Martinson in another helpful decision, *W. v. W.*, [2005] B.C.J. No. 1481, 2005 BCSC 1010.

For a listing of these decisions and some commentary, see Thompson and Rogerson, "The Spousal Support Advisory Guidelines Seven Months Later: Cases, Criticisms and Responses, Revisions", most recently made available for free on their website by QuickLaw. <http://www3.quicklaw.com/cgi-bin/LNC-prod/announcedoc.pl?DOCNO=597>

What else is happening with the Advisory Guidelines?

- 36,000 copies downloaded from the Justice website in 7 months
- Dozens of speeches and presentations by us and others
- Feedback from lawyers of their extensive use in negotiating agreements
- Feedback from judges of their usefulness in settlement conferences
- Another possible formula for spousal support in cases of adult children where child support is determined under s. 3(2)(b) of the Child Support Guidelines
- Still waiting for the Supreme Court decision in *Contino* on child support in shared custody cases, which may require some adjustments for the *with child support* formula for those cases

SSAG in Play in B.C.

"In my view the Advisory Guidelines formulas are consistent with the law in British Columbia as I have described it. As I have explained, the idea of rough equivalency of standards of living is a part of British Columbia law and is supported by the Supreme Court of Canada jurisprudence." W. v. W., Martinson J., 2005 BCSC, 20050704, Vancouver E042021.

The following was received from **Angela Thiele, Lindsay Kenney LLP**, in a July 14, 2005 letter to DIVORCEmate. (*Angela was the Plaintiff's lawyer in W. v. W.*)

"During argument, I presented calculations to the Court of appropriate amounts of spousal support using both the CHEQUEmate and SUPPORTmate programs.

I found both programs easy to use and the manner that the programs present the calculations visually makes them easy to follow and explain to the Court.

If you review the Reasons for Judgment in W. v. W., written reasons released on July 4, 2005, you will note that the Court comments favourably on the use of software and apparently relied on the calculations provided to determine the appropriate amount of spousal support. In my view, my client would not have received such a favourable result if I had not been able to use both software tools to present my case."

DOCUdavit Scanning Solutions Helps Lawyers Ease Into Electronic Documents *By Sid Soil*

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- Cost free, immediate access to closed files from any computer in the office.
- Cost savings by eliminating need to send closed files to Recall, Tippet Richardson or Iron Mountain - especially if files are retrieved frequently.
- Easy e-mailing of documents to the client rather than photocopying.
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- Security of having multiple backups of all closed files in an off-site location.
- No more banker's boxes in the office, garage and/or basement.
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- NEW** Low-cost file culling services.
- Inexpensive file destruction service for boxes that are not being scanned.
- Exceptional service and support from DOCUdavit Solutions Inc..

DOCUdavit Litigation Support Services

DOCUdavit litigation support offers a cost effective service that scans, codes and indexes your documents into a searchable, usable database that can be accessed in seconds, from any computer.

We are at the beginning of a trend towards smaller and mid-sized firms adopting scanning technologies and litigation support tools. We are the better choice for your firm's scanning and litigation support needs.

DOCUdavit Solutions scanning is compatible with virtually any litigation support software (Summation, Concordance, CASEmap or Ringtail etc.). And our clients have come to appreciate the powerful simplicity of the **FREE** DOCUdavit viewing software that is included when they use our scanning services.

Lawyers have used our service for:

- Trial preparation
- Examination for discovery
- Affidavit of documents
- Presentation at trial
- Cost effectively providing copies of documents to clients or other parties involved in a case
- Gaining an advantage over opposing counsel
- Levelling the playing field when litigating against larger firms who are using litigation support tools
- Impressing their clients by using advanced technology

If you are interested in trying our scanning or litigation support services, please contact Sid Soil at 416-718-3461 extension 420 or ssoil@docudavit.com.

DOCUdavit Solutions Inc. and OnPAR Litigation Management Group Inc.

DOCUdavit Solutions is extremely excited to announce that we have formed a relationship with OnPAR Litigation Management Group. **Anne Ray** and **Denise Grant** head a team of highly experienced law clerks who offer law firms in the GTA paraprofessional services for litigation support in Family, Civil and Commercial litigation.

OnPAR provides expert services for positioning files in all phases of the litigation process. They are **experienced users of Summation, Concordance, Knowledge Kiosk and Kroll Ontrack**. They can assist any law firm with file organization, maintenance and documentation management and document preparation in all stages of litigation including the preparation of briefs, examinations for discovery, trial preparation and more.

This relationship allows DOCUdavit Solutions to offer a complete litigation support solution to our clients either using your existing software or our DOCUdavit Solutions software. If you are interested in finding out more about OnPAR you may contact **Sid Soil at 416-718-3461 extension 420** or ssoil@docudavit.com or OnPAR directly at the following numbers: Denise Grant (416) 276-8397, Anne Ray (647) 298-2232.

What They Are Saying About...

"I have done a DivorceMate calculation to try and determine their net cash flow. I have used the figures that I have determined for income above, and have included Mr. Eason's taxable income in that portion of the calculation that relates to taxable income and the non-taxable income in that portion that relates to non-taxable income." **Eason v. Eason, BCSC, Powers J.**, Kamloops D33897.

Free Minor Forms+ Update For BC and Ontario

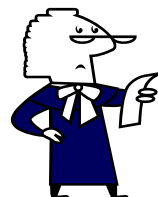
During the summer, we released minor updates to Forms+. Please visit our website to download this update. The Ontario update includes the following **amended FRO forms** which are now **mandatory**:

Support Deduction Order
Support Deduction Order Information Form
Notice of Withdrawal (*updated October 2005*)

IMPORTANT: Check the DIVORCEmate website for free software updates, especially when new or amended forms have been introduced in your province.

Did You Know That ...

- Mark Harris** and **Carol Rogerson** presented an excellent seminar to the Halton Region Family Law Association. Carol covered the new SSAG in detail and Mark followed it up with a demonstration and explanation of the new CHEQUEmate Spousal Guidelines software. All agreed the seminar was needed and answered most questions. Thanks to Karen Thompson for the invite.
- The family law clerks in Ontario were recently treated to an educational extravaganza that featured a presentation by DIVORCEmate Software entitled "**CHEQUEmate and the Three Amigos!**", which was followed up by "**To SSAG or not to SSAG, that is the question!**"
http://www.divorcemate.com/pdf/knowledge/SSAG_Paper.pdf



DIVORCEmate Training Judiciary Across Country

DIVORCEmate trained several Ottawa area justices in the use (and

abuse) of CHEQUEmate and other DIVORCEmate Tools. Be aware...**Justices Blishen, Mackinnon and Sheffield** know their DIVORCEmate Tools+ software!

We are working with the **National Judicial Institute** and the Judge's Associations in order to set up Judicial Tools+ software training sessions across the country,

We will be in Newfoundland, Nova Scotia, B.C., Ontario and other provinces during the fall and winter.

DIVORCEmate Software Product Information Update 2006

Forms+ Update will include new and/or amended forms; speed will be much improved; DIVORCEmateLive update will be added; Ontario should expect some Family Court forms changes in late 2005, especially child protection forms and the Continuing Record. We are thinking of adding Form 57A - Bill of Costs and the new Form 57B - Costs Outline.

Tools+ Update plans to include "LUMPMate – Quantum vs. Duration Calculator", with special adjustments for BC where unequal property division may play a role in SSAG calculations; and possibly "RETROMate – calculator for retroactive child and/or spousal support".

Shhh... we've also heard rumours of updated CSG Tables in 2006!

A web-based, DIVORCEmate SSAG Calculator is planned for 2006. This product will be of interest to the general public and will only handle the simplest financial situations.

Precedents+ Update will consider most 2005 landmark cases including SSAG; new, updated and/or amended clauses; a reorganization of certain sections, and more...

DIVORCEmate Software Inc. Helps Gilda's Club Greater Toronto

DIVORCEmate Software Inc. was a major contributor to "Camp in the City @ **Gilda's Club Greater Toronto**". The Camp provided an opportunity for children and teens touched by cancer to experience an unforgettable summer while staying in the city. The Camp brought together children who are experiencing similar life challenges, while enhancing and building friendships and nurturing a true sense of belonging.

2006 National Family Law Program July 10 – 13 2006 Kananaskis, Alberta

This one looks like a beauty! The conference will be held at the Delta Lodge at Kananaskis, which is located

in the Rocky Mountain foothills about an hour from Calgary. The golf and scenery will be spectacular!

For more information, contact Heather Walker, (705) 879-3082, or nationalfamilylawprogram@sympatico.ca.

ATTENTION:

Exclusive Offer to DIVORCEmate Customers Almost New Legal Supplies At Huge Savings

DOCUDavit Solutions Inc. is pleased to offer for sale the following "nearly new" legal supplies at amazing savings.

Legal Trade Indexes	numerous alpha and numeric sets
Binder Clips (foldback clips)	small, medium, large
Binding Spines (cerlox)	small, medium, large
Vinyl Covers (cerlox punched)	various colours

Why buy new when you can get perfectly good supplies at a fraction of the discounted retail cost? Satisfaction is guaranteed. Make an offer on any quantity of any item.

Please see enclosed order form and put in your bid(s)!

Software Pricing Promos Fall 2005 Training Schedule

We have great pricing on **Nova Scotia** and **Saskatchewan** Forms+ financial forms and Tools+ including **CHEQUEmate** Spousal Guidelines Calculator.

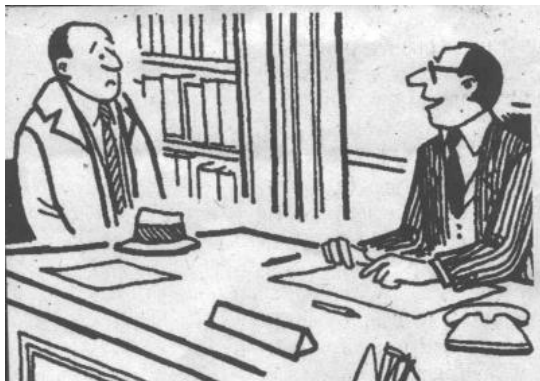
B.C. and Ontario DIVORCEmate Forms+ users can enjoy tremendous savings on our **Precedents+ Separation Agreement** software, including the 2006 Update for no additional charge. Promotional price is \$349 to 11/30/05.

Fall 2005 **training schedule** is enclosed and on website.

Ontario Court of Appeal Decides *Murray*... An Agreement Is An Agreement, or Is It?

A release provision in a separation agreement is examined according to the two-stage Miglin analysis, assisted by Marinangeli (very fact specific and not of general application). This one isn't over yet!

<http://www.ontariocourts.on.ca/decisions/2005/august/C40649.pdf>



"Family law, Mr. Murray, yields up its secrets only after an expensive struggle."