

Must Read: Dueling Pension Experts

"I could not have done it without partnering with the QDRO Group. Your trial preparation and performance along with the help on the brief was great. I am eternally grateful." – Carla B. Davis, Esq. Toledo, Ohio

Considering the money involved, few issues are more dangerous for attorneys than deciding which expert to hire in valuing and dividing retirement assets. The recently decided [Hine v. Hine case](#) from Wood County along with the [winning brief](#) of Carla B. Davis of Toledo provide a primer for attorneys making that choice. It also outlines what they should expect when pension/QDRO experts face off in court.

Hine also provides the sixth case in the last handful of years that a QDRO Group expert witness and a competing expert have offered starkly differing opinions on how to value and divide retirement assets. And for the sixth straight time a court has found the QDRO Group "valuation and division methodology, more equitable." Interestingly, the trial court adopted all of the values of the QDRO Group and explained: "Given the difference in the expert's approaches, and the underlying foundations, the court cannot confidently consider a compromise."

Written by Magistrate Michael E. Hyme of Wood County, *Hine* provides detailed analysis – over 60 pages – on what competing experts will likely testify to regarding how to value and divide retirement assets. Here are some of the issues the court dealt with – some in far greater detail than we have ever seen in the thousands of cases we have reviewed nationally:

- Is the PBGC market-based present value methodology or the corporate bond method (typically known as the IRS 417(e) method) more appropriate in domestic relations?
- Should survivorship benefits be valued and incorporated into either offsetting assets or the QDRO?
- How should *Hoyt v. Hoyt*, 53 Ohio St. 3d 177 (1990) be applied when drafting QDROs?
- What have other DR courts said about pension present values and incorporating survivorship values in drafting orders?
- How have Title VII issues recently entered domestic relations cases especially in light of *Arizona Governing Committee for Tax Deferred Annuity and Deferred Compensation Plans v. Norris*, 463 U.S. 1073 (1983)?
- What directions does the Actuarial Standard of Practice Number 34, "Actuarial Practice Concerning Retirement Plan Benefit in Domestic Relations Actions," prepared by the Actuarial Standards Board provide to experts in the field?
- How should Social Security be factored into the division of a state pension plan?
- What evidence is required before the court consider a party to have a diminished life expectancy?

An unofficial copy of the Hine transcript can be obtained by calling our office. Our staff is available to discuss how we can bring our expertise to bear in your case.