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CUSTODY ♦ DIVORCE ♦ PRENUPS





The Dallas Bar Association Living Legends program honors CEO and Managing Partner Kelly McClure, interviewed by Commercial Litigator Diana Bandoh. View it on YouTube.

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The talented women of McClure Law Group are featured as Women of Influence in *D Magazine*! CEO and Managing Partner Kelly McClure, Managing Partner Francesca Blackard, and Partners Kate Mataya and Jessica Fresch are leaders in and out of the courtroom and fearless advocates for their clients.



McClure Law Group is honored to be featured in *D Magazine's* "Leaders In Law." Our Team strives to be leaders in the field and to raise the bar for family law practices.



Congratulations to Managing Partner Francesca Blackard, Partner Brandon Joseph, and Partner Kate Mataya for being recognized by Best Lawyers® for their brilliance!



We're thrilled to announce Kelly McClure's 21st Texas Super Lawyers recognition! This honor adds to the Super Lawyers Top 100 and Super Lawyers Rising Stars accolades earned by attorneys at McClure Law Group. We're honored to be recognized by our peers.



CEO & Managing Partner Kelly McClure of McClure Law Group is both a Super Lawyer and Super Mom. Check her out in May's *Modern Luxury* alongside her sons and

coworkers, Buck and Brody McClure - also super lawyers in their own right!



CEO & Managing Partner Kelly McClure, Managing Partner Francesca Blackard, and Partners Brandon Joseph, Kate Mataya, Adam Mundt and Jessica Fresch were featured in *Fort Worth Magazine* as Family Lawyers To Know.

ASK THE EXPERT

PRE-NUPS AND ADULTERY

Kelly McClure, CEO & Managing Partner
Francesca Blackard, Managing Partner

Of course, most couples enter a marriage thinking it will be "happy ever after." Because that's not always the case, do you recommend pre-nups? Who are they best suited for?

That is a great question, as our recommendation of drafting a prenup depends on the people getting married. In general, the people that are best suited for prenups fall into one or more of these categories: People that have previously been married and unfortunately had a messy divorce; a person who has a family business or estate that does not want to risk having the business entangled in a divorce; and people that are looking to keep their assets separate. Prenups are usually best suited for people who fall into one or more of these categories; however, if you are not in one of these categories, this doesn't mean a prenup is not the right choice for you. That is why it is always best to consult a family lawyer when faced with this decision.

Are there apps that my spouse may be using to hide his or her own identity?

Yes, there are many apps that spouses use to hide their adultery, and this number is growing by the day. The most significant development in recent years is the use of encrypted and cloud-based software. Apps with these features, such as Airtel Vault and Signal, add extra layers of protection beyond the phone pandemic that the non-cheating spouse must crack before they can access anything incriminating.

Many apps are making it easier for users to create accounts quickly without the need of a membership. Ping, Vibet, and Manafinders ask a few basic demographic questions to set up a profile and instantly get you connected to a network of people with similar interests. Other apps like Caliente Post, Private Message Box, and FaceKometer. Crypto note: hide their appearance by looking like games or utility apps but, no private messaging apps made specifically for adultery.

How does adultery play a role in a divorce?

In one experience, most times adultery is not the root of the divorce; it is a product of an already failing marriage. Proof of adultery is not the smoking gun many clients hope it will be to win their spouse in a divorce proceeding. However, there are still fault grounds available under the Texas Family Code which allow the other party to seek a disproportionate share of the community estate's income based on the other party being at fault for adultery. Usually, adultery of this nature needs to be especially egregious to qualify for a disproportionate share and you need to prove it in court. Further, there is case law that prevents a spouse from claiming adultery as the cause of the breakdown of the marriage if that spouse forgives the spouse and moved on (i.e. if adultery occurred 10 years ago and the parties continued to stay married). As it relates to the children, adultery does not impact custody unless that spouse is making bad decisions introducing the children to their parents, the spouse has criminal/drug/alcohol issues, etc. The primary concern of the court in a divorce is the best interest of the children and the preservation of the estate. If copious amounts of cash and gifts are being transferred to the paramour by a spouse, that spouse will be held accountable by the court to compensate the estate for wrongfully spending that money. In addition, there are other potential advantages that other spouse may have both strategically (i.e. depriving the paramour) and financially in their case, but beyond that, adultery does not have a huge impact on the legal proceeding. It is very important, on either side of the coin, to make sure you have a knowledgeable attorney to help navigate through this touchy subject.

About The Experts:

Kelly McClure and Francesca Blackard lead a team of exceptionally skilled attorneys with a variety of expertise to address your specific family law needs. Whether dealing with divorce proceedings, child custody disputes, complex property division, crafting pre- and post-marital agreements, addressing grandparents' rights, surrogacy issues, and other non-traditional matters, they have your back covered. They are also leaders in the collaborative law movement, which provides an option to clients looking to resolve their matters confidentially and efficiently outside of the courtroom. These women, along with their dynamic team of attorneys, serve their clients with a diverse set of strengths: decades of experience, financial acumen, creativity in negotiation and extensive litigation knowledge. Constantly recognized for their purpose-driven and pragmatic handling of each case, McClure and Blackard's dedication to their profession has earned them numerous awards and consistent acknowledgment as industry leaders, with *D Magazine* repeatedly recognizing them as Best Lawyers in Dallas. McClure, honored as a Hall of Fame Lawyer by *D Magazine*, holds Board Certification in Family Law from the Texas Board of Legal Specialization. McClure Law Group, rated as the Best Law Firm by U.S. News & World Report, is your go-to team for all divorce and family law requirements.

FRANCESCA BLACKARD
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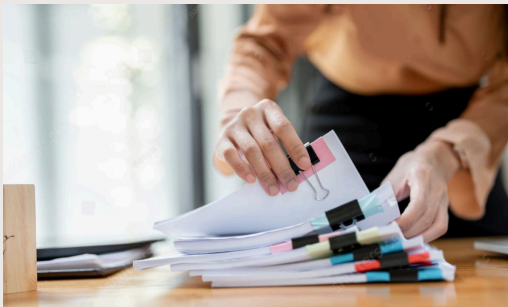
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CEO & Managing Partner Kelly McClure and Managing Partner Francesca Blackard answered your questions about pre-nups and adultery in *D Magazine's* Ask The Expert feature.

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Texas Appeals Court Affirms Order Requiring Ex-Husband to Sign Papers to Transfer Stock to Ex-Wife

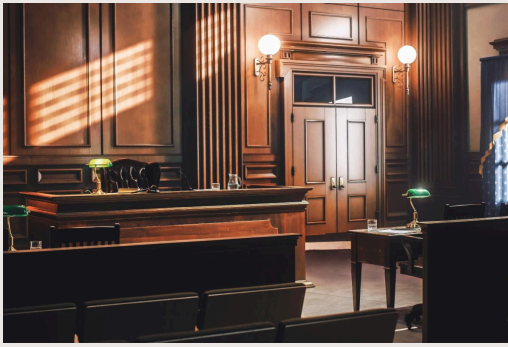
After rendering a Texas divorce decree, the trial court retains continuing subject-matter jurisdiction to enforce its property division. Tex. Fam. Code § 9.002. The court may issue additional orders to enforce the property division. Tex. Fam. Code § 9.006. An order to enforce may ...

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