The Goal Is to Dominate

Winning a football game 14–13 may be a satisfying result. Great football coaches say they plan not just to win but to dominate the competition 100–0. Great trial lawyers share that perspective. Winning a divorce trial begins with the process. The process begins at the first client meeting, where the successful lawyer begins to develop the themes and theories of the case, which will later be woven into compelling opening arguments, effective direct examinations, and dominating cross-examinations. Even though most cases don’t end in a trial, being prepared to win at trial 100–0 almost always creates the best environment for obtaining a favorable settlement. One of the tools you can

use in preparing that winning case—one often overlooked or underused by many family law attorneys—is the forensic accountant.

Whereas your client may direct you to “just protect” her, you know that protecting your client is the same as preparing to dominate at trial. It is not at all unusual for a client to say something like, “I have no idea what assets we have” or “I never saw any financial documents, and I can’t get copies of anything,” at which point you need to get to work. From obtaining all the documents you’ll need in the case, determining red-flag facts and issues, and investigating potential problems to preparing for trial or drafting a proposed settlement agreement, a forensic accountant can make your job easier and enable you to be more thorough, which is critical.

In all divorces, there are four core financial components—assets, debts, income, and expenses. Forensic accountants can help with each of these components. In most divorces, your client will not be able to provide you with a discrete list of known assets, debts, income, and expenses that is completely and accurately reflected on the parties’ financial statement and tax returns. Sometimes clients claim that their spouses are nefarious and are hiding assets or income, but clients often lack the documents and in-depth knowledge of the parties’ assets required to prove those claims. A client’s spouse may have secret accounts in unknown locations, there may be a business that pays way too many of the spouse’s personal expenses, or the client may have heard the spouse refer through the years to a second set of books that is shown only to the IRS. In these situations, a forensic accountant can help organize the plan of attack, analyze documents, and look for the smoking gun that proves the nefarious spouse is lying.

At its best, the relationship between the family lawyer and the forensic accountant can become a very effective weapon in the advocacy arsenal. This is true even though the objective professional roles and ethical obligations of the two differ greatly. As a family lawyer, your role is to be a zealous advocate for your client. The forensic accountant, on the other hand, is an independent witness and can never be an advocate for your client. As an independent expert, the forensic accountant has no duty of loyalty to either you or your client. The forensic accountant may advocate only for his opinion or position and nothing else. From the perspective of the forensic accountant, the chips must fall where they may. The more you understand how the expert witness practices the craft of forensic accounting, the more you will
understand how to use forensic accountants effectively and dominate the cases in which you’re involved.

**How a Forensic Accounting Divorce Engagement Case Can Go Very Well**

Perhaps the best way to demonstrate the importance of a forensic accountant to a divorce involving complex financial issues is through a best-case scenario, taking a fictional divorce case through from the initial engagement by the client to the post-trial decision of whether to file an appeal.

Mrs. Smith hires you to represent her in divorcing her husband. You determine that the case needs a forensic accountant. Mrs. Smith agrees. You and she discuss a couple of options. You call a forensic accountant with whom you’ve developed a working relationship, and she confirms her availability and conducts a conflict check, which comes up negative. You verify the terms of engagement with the expert, making sure that Mrs. Smith understands and agrees to those terms, and finalize an agreement, thereby engaging your forensic expert during the earliest stage of the case.

Both you and Mrs. Smith immediately begin to notice the contributions of your expert. At your very first meeting as a team, your expert helps in planning the case. She helps develop a list of all the financial documents that will be needed. Her insight aids you in evaluating the various legal theories available in the case. She helps in assessing the strengths and weaknesses of the case. If she hadn’t already, Mrs. Smith now begins to see the reason why the forensic accountant is on board and gains confidence in both you and her case.

After filing the petition for divorce, you begin discovery. Unfortunately, Mrs. Smith provides only a fraction of the documents you’ll need in the case. As discovery progresses in waves, the documents and information you need begin to arrive in earnest. The forensic accountant begins to piece together the financial puzzle, a process that is part art and part science. She applies specific techniques and methodology and crunches the numbers. The resulting product of this effort is an easy-to-follow, clear, concise, and unassailable report.

The real power of the relationship among client, lawyer, and forensic accountant comes alive in the elegance of your expert’s report. The report provides its intended audience, which includes Mr. Smith and
opposing counsel, with a simple set of conclusions derived from many sources, including both people and financial records. The financial records include tax returns, financial statements, brokerage statements, loan applications, credit card statements, and personal financial information contained in computer files from various sources. When originally generated, each of these records had its independent reason for being. Loan applications normally present the financial information of a person or business in a favorable light and are thus rather expansive in describing assets. Tax returns, on the other hand, contain only reported income as interpreted under federal law. Often, for many reasons, the income on financial statements shown to banks significantly differs from that reported on tax returns to the IRS. Therefore, your expert’s report accounts for all the available financial documentation.

You disclose your forensic accountant’s report in discovery. The report is a simple tool engineered for successful advocacy of your expert’s opinion. Your expert’s curriculum vitae is attached, providing the foundation for admissibility of the testimony. The report details the sources of information and documents reviewed by your expert. It fully explains her methodology and techniques. Finally, the report summarizes the forensic accountant’s conclusions, which are ready for the court to find as fact.

It is indeed possible that, upon review of the report, Mr. Smith and opposing counsel become willing to agree to a settlement favorable to Mrs. Smith. But they don’t, and the case proceeds. You become a blacksmith, using the report as an anvil against which the case’s financial arguments are forged and crafted. When deposed, your expert adheres to the report, explaining the techniques and methodology used and defending its conclusions. Opposing counsel is unable to mount a meaningful challenge to the report’s premises, procedures, or conclusions. The opportunity again arises for a favorable settlement. But the case doesn’t settle, and you begin to prepare for trial.

You complete the pre-trial document scramble. The forensic accountant’s report is trial ready. The only remaining item of trial preparation is to draft the direct examination script of your expert. After completion of the initial draft of the script, you and your expert get together to thoroughly review it. Your expert suggests you use a couple of blowups from the report to aid in presentation. She suggests that certain key questions be added to help develop and explain her testimony, especially in anticipation of challenges by opposing counsel made
during the deposition and in settlement negotiation. The final pre-trial preparation sessions are positive.

The case finally goes to trial. In your opening statement, you promise that you will prove the conclusions from your expert’s report. You deliver this promise in classic Babe Ruth style, pointing to the left-center home run fence. The report and its conclusions are simple. Numbers don’t lie. Courts trust certified public accountants (CPAs) because people trust CPAs. Your opening statement draws a circle of evidence, theme, and theory. The evidence and argument will complete the circle, resulting in a favorable ruling for Mrs. Smith.

During the presentation of your case, your direct examination of your expert takes the court on a step-by-step journey through her report. The forensic accountant serves as a respected, authoritative tour guide. The report acts as both a map and an itinerary. Her testimony highlights and educates the trier of fact on important documents, procedures employed, and resulting conclusions. The trier of fact knows where this road is leading and understands the journey because each step follows an easy-to-understand path. Questions flow from the lawyers and judge. Your expert’s answers are presented in an informative, easy-to-understand manner and are more than just a recitation of a cold, impersonal series of formulas and numbers. The report comes alive in a fluid, simple, and elegant presentation.

On cross-examination, you can sit back and relax. Your expert witness is a confident and seasoned professional. She rarely needs your protection, which you offer through objections. She readily handles opposing counsel’s tough and smart cross-examination questions. As in most trials, a few of the cross-examination questions have no answers. Your expert adroitly and calmly explains why the questions can’t be answered. The cross-examination is a bust for opposing counsel.

In most divorces, both spouses’ testimony can easily be attacked on bias. The court sees this for what it is. The spouses’ decisions, choices, and lives are on trial. But the independent financial report of your expert supplements Mrs. Smith’s testimony and dovetails nicely into the theme and theory of the case. Because Mrs. Smith’s testimony is consistent with the expert’s objective report, the trier of fact reaches a comfort level that her testimony can be trusted.

During the presentation of the rest of the case in chief, you mold the forensic accountant’s conclusions to conform to your state’s applicable statutory factors for alimony, property division, and child support.
While listening to the trial, the trier of fact must determine, decide, and render findings of fact and conclusions of law. While performing this task, the judge cross-checks the expert report over and over, like a nervous parent on a long family summer road trip, checking the trip itinerary again and again to make sure the family is squeezing in as much fun as possible while staying on schedule.

During closing, you once again hammer home the testimony of your forensic accountant. Because opposing counsel failed to mount a single serious challenge to the forensic accountant on cross, the expert’s testimony provides the only set of incontrovertible facts presented by an unbiased witness. You confidently argue that the promises made during your opening statement have been fulfilled. The circle of evidence, theme, and theory of the case is complete.

When the judge announces the ruling, it proves to be very favorable to Mrs. Smith. The court’s findings of fact and conclusions of law track your expert’s conclusions almost word for word.

A week later, Mr. Smith and opposing counsel meet to discuss whether they intend to appeal the court’s ruling. The technical record contains the victorious testimony. The court’s ruling does not hinge on any technical legal issue but instead on the overall strength of the forensic accountant’s presentation and credibility. Opposing counsel knows the appellate judges can also be swayed by the report’s simple logic. Opposing counsel offers Mr. Smith little hope for success. At the end of that meeting, Mr. Smith decides to end it. There is no appeal. The case is won.

**Forensic Accounting Defined**

Now you’ve seen how a forensic accountant can add substantial value to a case, but what exactly is forensic accounting? Forensic accounting cannot be easily defined. Even CPAs struggle to explain what a forensic accountant does. The ABA’s equivalent in the accounting profession is the American Institute of Certified Public Accountants (AICPA). CPAs are licensed through state boards of accountancy. Each state board of accountancy can create its own rules for licensing, but most rely heavily on the AICPA to set almost all important standards of practice and professionalism.

Forensic accounting has been described as “applying specialized knowledge and investigative skills to collect, analyze, and evaluate a financial situation, then communicate those findings in a courtroom,
Darrell Dorrell, a forensic accountant from Oregon, defines forensic accounting as “[t]he art and science of investigating people and money.”

Mr. Dorrell’s definition is simple and makes sense. Without the people component, financial documents are merely numbers on a page. Tax returns describe a person’s income and expenses resulting from the individual’s life choices. Examples of those choices include selling stock, paying interest on a mortgage, and contributing to charities. Personal financial statements express net worth, income, and expenses. Those choices can include housing, cars, household help, and dining out. Also, individuals save money for emergencies, retirement, and college. Failing to save money also tells a story. As Dave Ramsey says on his radio show, “Children do what feels good. Adults make a plan and stick to it.” Financial information tells the story of individual choice like no other. One cannot understand numbers on a page without also understanding the people whose decisions and actions they represent.

From a lawyer’s perspective, the relationship between people and money needs to be admissible into evidence. Yes, a client can testify regarding assets, debts, income, and expenses. A client can also testify about classification and valuation of assets. But the art of creating relevant testimony from reviewing thousands of transactions, interpreting meaning, and drawing conclusions requires expertise. The client doesn’t have the expertise and is biased. Furthermore, the lawyer can’t testify. The lawyer must argue from facts and opinions in evidence. Plus, only expert witnesses can rely on hearsay. For credible, meaningful, and unbiased testimony, no one beats a forensic accountant.

**Services Forensic Accountants Provide**

Forensic accountants work in many areas of law other than family law and divorce, including damages calculation, mergers and acquisitions, fraud, criminal fraud, bankruptcy, personal injury, and wrongful death. For every aspect of law involving money, there is usually some expert

3. Darrell D. Dorrell & Gregory A. Gadawski, *Financial Forensics Body of Knowledge* 486 (Wiley 2012). Every forensic accountant should have this book in his or her reference library. Family lawyers researching technical forensic accounting concerns should refer to it as well. The authors are two of the leading forensic accountants and valuation experts in the nation.
somewhere with the needed specific professional experience. Most forensic accountants will agree that family law is a great way to build a practice and can be very lucrative. Many enjoy it. Others will tell you they dread family law and it is only a means to pay the bills until other forensic work comes along. More than a few forensic accountants refuse to handle family law cases altogether because of the venom and ugliness often involved.

Forensic accounting is interrelated with business valuation. Many CPAs who value businesses are also forensic accountants. The AICPA lumps the two groups together in its Forensic Valuation Services Section. This book, however, ignores business valuation for the most part because the ABA publishes a great book on the topic, *The Lawyer’s Business Valuation Handbook*. Nationally, regionally, and locally, there is intense competition for high-end business valuation engagements. Business valuation engagements don’t grow on trees. The top valuation experts earn well in excess of a million dollars a year.

The scope of services forensic accountants provide in family law is limited only by the complexity of the estate and the imagination of the client/lawyer/accountant team. Some of the more common tasks include the following:

1. **Marital balance sheet creation and analysis.** In all divorces, family lawyers must identify, classify, and value assets and liabilities. Also, the tax basis of each asset can be very important to the overall proposed division of the estate. The process of reviewing the documents provided by the client and obtained in discovery can be either simple or exhausting. Simple assets include bank accounts and publicly traded stock. Complex assets include pensions, stock options, and business ownership. Each asset and debt demands its own specific information for settlement or trial. Assembling this information early in a case can be a very useful tool in depositions, settlement negotiations, and trial preparation and presentation. Without a detailed marital balance sheet listing all assets and debts, how

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is a lawyer going to analyze the proposed distribution percentage of the net marital estate?

a. **Asset identification.** Thorough divorce practice requires knowing and listing all assets and debts when drafting settlements. Is there a suspicion of hidden or overlooked assets? If so, the forensic accountant can help plan strategies for needed investigation. Does the tax return reflect interest income from an omitted bank certificate of deposit? Is there a capital gain from a mutual fund located within an undisclosed brokerage account? Every family lawyer’s recurring nightmare is omitting an important asset from settlement paperwork.

b. **Asset classification.** The process of determining which assets are marital property (or community property) and which are separate property can be among the most challenging aspects of divorce work. What assets existed at the time of the marriage? What were the assets’ values at the time of the marriage? Were there any inheritances or gifts? Was there transmutation? Are there tracing concerns or opportunities to defend commingling claims? In many cases, the classification of appreciation of separate property can comprise the largest and most involved calculation in a case. Classification of appreciation of separate property can be described as the Forensic Accountant’s Full Employment Act.

c. **Asset valuation.** Valuation is rarely as simple a problem as it seems at first glance. Expert assistance may be required to value accrued pension benefits and employee benefits including deferred compensation and stock options. Pensions and stock options require external information in order to calculate their value as of the date of their acquisition and as of the distribution date (separation or divorce). In fact, many pensions list values in statements to employees, but unless the asset is a 401(k), rarely will this calculation accurately reflect the asset’s true value for divorce purposes. To properly value a whole-life insurance policy, the policy itself, declaration page, and tables must be

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5. Experienced forensic accountants recommend engagement letters stating that the forensic accountant’s work must be performed under the direction of counsel, not the client, to avoid the appearance of advocacy with complex tracing exercises.
reviewed to determine its cash surrender value, beneficiary, and owner. Finally, spouses often list quite different values on financial statements than those listed in discovery. This difference in value can make or break a case.

d. Built-in capital gains. Structuring settlements for the best tax results can be very important to clients with wealth. Never forget about an asset’s tax basis. Tax basis is not simple and can be easily overlooked. A capital gain is the difference between the sales price (realization) less its tax basis. For some assets, rules for determining tax basis can be very complex. Stock and mutual fund basis calculation is fairly simple—their cost. In the divorce context, consequences can be disastrous if a party ignores built-in capital gains. For example, if one party receives a stock account worth $100,000 in exchange for another asset also worth $100,000, the spouse who ignores tax basis can be at a serious disadvantage. If the tax basis is materially different and the asset received must be sold shortly after the divorce to pay for college or debt caused by the divorce itself, the $100,000 is no longer $100,000 and may be worth significantly less. Forensic accountants can provide very important tax advice regarding this issue.

2. Income determination. Income is the most important factor for determining child support and alimony. Who earns what? Is the income reported to the IRS complete? Are the books cooked? Were there any cash transactions? Is there income that is not taxable but that is relevant for support? Can the CPA calculate imputed income from the spouse’s monthly spending? Does a spouse’s loan application contain admissions of a much greater income than reported in the case? On a W-2, what are the differences in the calculation among boxes 1, 3, and 5? Forensic accountants know their stuff.

3. Lifestyle analysis. For those states with alimony, many states’ laws provide for considering the historical spending of the parties to determine the reasonable need of the supported spouse. Other states also consider the projected future active earnings from employment and passive earnings from investments, including projected investment asset appreciation. A lifestyle
analysis can be a powerful tool to present arguments in favor of or in opposition to larger alimony awards.

4. **Dissipation and fraudulent conveyances.** While every state may have subtle differences in its case law, questionable transactions should be identified, investigated, and analyzed. Wasteful spending in one marriage may be considered routine historical-lifestyle spending in another. Also, transfers to related parties can be fraudulent. Any transfer without consideration must be by gift, loan, or theft. No other options exist. All have relevance and significance in a divorce.

5. **Credibility and admissibility.** Proving the opposing spouse lied in discovery about assets, debts, income, or expenses can be very important. Proving that the claimant materially understated assets or underreported income can result in a powerful shift in relative negotiating strength. The larger the omission or misstatement, the more benefit may be obtained. Expert testimony may be required to admit into evidence analysis of the documents that help prove the lie. Plus, under the right circumstances, a forensic accountant’s affidavit in support of a critically timed motion can help break up logjams in negotiations.

6. **Defending against the questionable opposing expert.** All in all, most experts are very serious about independence. This is especially true with forensic accountants. But there are several very derogatory slang terms used to describe those special few expert witnesses who are willing to accept pay in exchange for specific testimony. If you practice family law long enough, you will run across such an expert. Accountants can contrive ratios, formulae, and analyses that are intentionally dishonest. Usually, those experts see this type of testimony as a game. Unfortunately, this game can have a devastating impact on your client unless you mount a competent challenge to this tactic. For example, manipulation of a coverture factor in a pension calculation can result in a $100,000 swing in an estate in favor of the manipulating party. Defense requires an expert.

7. **Litigation support.** This is a catch-all phrase describing engagement planning and assistance in all phases of the case, including analyzing discovery, consulting on tax issues in settlement,
advising regarding additional needed investigation, preparing for deposition, developing trial strategy, and more. The only limit is the creativity of the lawyer and CPA. For example, a forensic accountant can review tax returns produced by the opposing party and advise the lawyer regarding supplemental schedules and documentation that should have accompanied the return filed with the IRS but that have not been produced in discovery.6

**Forensic Accountant Certifications**

A forensic accountant may possess many kinds of certifications. Described in the following are the most common credentials available. Not every expert has a perfect background for every engagement. Forensic accountants may possess many different subspecialties, including bankruptcy, computer forensics, damages, fraud prevention and detection, valuation, and, of course, family law. It is easy to imagine a CPA being very experienced in one area and not in another. Finding a weakness in your forensic accountant’s experience, education, or application of a particular skill can be devastating if exposed at the wrong time. As a starting point, family lawyers should possess a basic understanding of the forensic accounting universe and know the credentials described in the following when engaging, utilizing, deposing, and ultimately cross-examining forensic accountants.

**CPA.** Almost all forensic accountants are certified public accountants. Some exceptions apply, such as the certified fraud examiner (CFE) and certified financial planner (CFP), which are discussed next. Like a law license, a CPA license is issued by the state. To obtain a CPA license, an accountant must meet very strict requirements for education and experience and pass a very, very difficult exam. CPAs dominate the

6. Cindy MacAulay, CPA/CFF, CVA, CDFA, a Director and forensic accountant with Dixon Hughes Goodman LLP, has spent many years providing various levels of litigation support to family lawyers in South Carolina and Tennessee. “All CPAs are expected to keep up with and understand impact of tax law changes. As a forensic accountant, I help family lawyers craft solutions to take advantage of, and avoid losing out on, child tax credit related opportunities. The 2018 tax law changes have been no exception.” See “Sample Litigation Support Report” at Appendix E, written by Cindy to help a family lawyer negotiate a divorce settlement regarding the Child Tax Credit under federal income tax law in 2018 and moving forward.
field of forensic accounting, so much so that for the purposes of this book, it is assumed that all forensic accountants described herein are CPAs and possess the knowledge typically gained in practice as a CPA.

The CPA universe is dominated by standards and ethics set by the AICPA. Professional standards and ethics are discussed more in Chapter 10. States’ governing bodies are most often called boards of accountancy. Individual state boards set licensing requirements in their respective jurisdictions but normally adopt most AICPA standards. All forensic accountants should be able to easily recount the prerequisites completed to obtain their particular CPA license. Prerequisites for becoming a CPA are an excellent topic for voir dire, establishing the foundation for the expert’s qualifications, competence, and credibility. This is usually not summarized on the expert’s curriculum vitae.

A majority of states have adopted a requirement of 150 hours of education to qualify for sitting for the CPA exam. For most, this means a master’s degree in accounting is required to become a CPA. Some states allow graduate students to take the CPA exam during their final semester. States also have specific work experience requirements. Most require at least two years in public accounting or a longer period of time in private practice.

Then there is the CPA examination itself. It is tough. The CPA exam is the stuff of accounting industry legend. Only a small percentage of applicants pass it on the first try. Many never pass the exam. There are four parts to the exam, and each part is four hours long. Each part has a pass rate of less than 50 percent. All four parts must be passed within an 18-month period, or the parts that have been passed are forfeited and must be passed again. A minimum score of 75 is required on each part. As a comparison, the bar exam pass rate is generally between 70 and 80 percent in most states. Several areas of law, including basic business, contract, trust, and estate law, are addressed in one of the parts of the CPA exam.

There is no dishonor taking several tries to pass the exam. Typical experience requirements can delay obtaining the designation for up to two or more years anyway. For example, in a state that requires two years of public accounting (working for a traditional CPA firm in either an audit or a tax department), there may be a five-year experience requirement if working in a corporate setting. Successfully completing the CPA exam is almost always a CPA’s first really important professional accomplishment. It is, and should be, an issue of personal pride.
Once CPA certification is obtained, maintaining it requires a significant number of continuing professional education (CPE) hours. Many states require as many as 80 hours every two years with very specific requirements by category. In many ways, the CPE required of CPAs is similar to the continuing legal education requirement for attorneys (and equally loved as well).

**CFF.** In 2008, the AICPA created the certified in financial forensics (CFF) designation. Current requirements may be viewed on the AICPA’s website. In general, the successful applicant must be a CPA in good standing and have a minimum of 1,000 hours of experience in forensic accounting over a five-year period preceding the application for CFF designation. A certain number of continuing professional development CPD hours in forensic accounting is also required. The AICPA initiated an exam component in 2010. Specific relevant CPE is required for maintaining the designation. Again, for voir dire, consider asking the forensic accountant specific details about the expert’s application requirements at the time the certification was obtained.

According to Barbara Andrews, the director of forensic services with AICPA, a CPA obtaining the CFF credential ensures that he or she has an “extensive knowledge of complex financial issues across a broad range of specialty areas including bankruptcy, insolvency and reorganization; forensic data analysis; economic damages calculations; family law services; fraud prevention, detection and response; financial statement misrepresentation; and stakeholder disputes.” She also added, “It identifies those forensic accounting professionals who have certified their expertise to provide reliable forensic accounting services. The requirement for continuing education guarantees an ongoing high level of competency and knowledge.”

Many CPAs with the CFF certification also bear the designation of accredited in business valuation (ABV). Many forensic accountants’ entry into forensic accounting was to supplement their business valuation practices, or vice versa. The typical credentials following a business valuation and forensic accounting expert’s name will appear as follows: “John Smith, CPA/ABV/CFF.” While there are no official posted statistics, there are over 5,000 credentialed CFFs in the United States. By sheer numbers, the CFF is arguably the dominant credential for forensic accountants.

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7. Quote from personal correspondence with author.
MAFF. The National Association of Certified Valuators and Analysts (NACVA) created the master analyst in financial forensics (MAFF) credential.\(^8\) To obtain the MAFF, you must be a member of NACVA, attend a course, and pass an exam. According to the NACVA website, “Achieve the Master Analyst in Financial Forensics® (MAFF®) certification and make the statement that when it comes to financial litigation, you are the ‘Master’ of the field.”\(^9\)

NACVA’s members are almost exclusively CPAs who are forensic accountants and/or business valuation experts. NACVA certifies several credentials, including the well-known business valuation credential certified valuation analyst. NACVA presents training programs relevant to forensic accounting and business valuation through its Consultants’ Training Institute, which is held throughout the year across the country. One of the courses it presents is its Matrimonial Litigation workshop, which is a five-day course for accountants looking to break into the family law field and sharpen existing skills.\(^10\)

Forensic accountants who want to practice at a high level (and family lawyers who want an edge in cross-examining them) should consider attending two very important programs offered through the NACVA. First, take Darrell Dorrell’s Forensic Accounting Academy, which delivers “the most all-inclusive training in forensic accounting available to date.”\(^11\) Then, take Michael Kaplan’s Expert Witness Bootcamp.\(^12\)

CFE. The certified fraud examiner is a credential created by the Association of Certified Fraud Examiners (ACFE). The ACFE was originally founded by former law enforcement officers, and its members

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8. The MAFF replaced the prior certified forensic financial analyst credential offered by the NACVA.
10. The author attended NACVA's matrimonial litigation workshop and can recommend this for entry-level forensic accountants and family lawyers who want to sharpen their financial skills.
11. For more information, see https://www.nacva.com/faa. Mr. Dorrell is one of the nation’s most respected thought leaders in the field. The author attended this program and cites Mr. Dorrell as a leading authority on methodology. For more discussion, see Chapter 6, generally.
12. For more information, see https://www.nacva.com/expertwitnessbootcamp. The author attended this program and highly recommends it to both CPAs and divorce lawyers of all skill levels. Michael Kaplan also teaches another program privately, the Court Room Bootcamp (see http://www.courtroombootcamp.com/).
commonly also include CPAs and private investigators. Fraud investigation is a large industry and a very important part of the forensic accounting universe. The skill sets possessed by professionals with this credential can be very helpful in divorces as well. A CFE is as good as any professional in helping to uncover hidden assets and fraudulent transfers. Some CFEs also have the expertise needed for the admissibility of testimony regarding electronic evidence and computer files. To obtain this designation, a candidate must meet minimum education requirements, pass an exam, and submit recommendations from professionals in the field.

**Cr.FA.** The American College of Forensic Examiners Institute certifies the certified forensic accountant (Cr.FA). To be eligible, an applicant must be a CPA in good standing and pass an examination. There is no experience requirement.

**CFP.** Certified financial planner is a designation most often obtained by investment advisors and insurance and company benefits salespeople. Many CFPs claim to have experience and expertise in divorce planning, taxes, and personal budgeting. Although it is not very common compared to CPAs, some CFPs will testify in divorce cases from time to time. Their CFP skills can be helpful in creating and testifying about a lifestyle analysis. In addition, a CFP can usually perform an estimated pension calculation.

**CDFA.** The certified divorce financial analyst (CDFA) certification is an effort by financial advisors to market themselves to divorcing parties. Most CDFAs seek referrals to divorcing spouses in need of financial advisors. Some want to testify. For clients who are uncomfortable with financial aspects of divorce (and personal finance), family lawyers should consider recommending those clients engage a CDFA to help explain terms and concepts and to help advise them regarding settlements with marital estates comprised of complex financial investments and retirement assets including pensions, annuities, and stock options.

There are even more credentials than these. In considering a possible forensic accountant, you must always think in terms of planning the voir dire. What minimum education, training, experience, examination completion, and/or professional recommendations were required by the expert’s certificating organization? One hopes it wasn’t just filling out a form, paying a fee, and submitting two cereal box tops.