

John and Mary had lived together for fifteen years, but never married. They have three children and own a home together. John was just starting a restaurant business when they first met. Mary quit her job working at a local hospital as a registered nurse to help John start and build his business. Today John has three successful restaurants. Each restaurant is a separate limited liability company of which John is the only member. John has invested in real estate. He owns all the buildings in which the each of the restaurants operate which include additional rental space leased to other businesses. John also purchased several residential properties with multiple apartments, all of which are leased. Each commercial and residential property is owned by a single purpose limited liability company of which John is the sole member.

Mary has worked in the restaurants since her relationship with John started as a server, cashier, hostess, dishwasher, bussing tables, and cooking. She played a critical role in helping John build the restaurant business. All the money Mary was paid, including tips, went into the parties' joint bank account. Mary was careful about declaring all her income, including the tips, on her tax returns.

John has fallen for and moved into one of his residential apartment units with a twenty-year old server. He fired Mary.

Mary has come to you for help. She is unemployed, living in the home she owns jointly with John. It will take her a long time to renew her nursing license.

Mary has told you that much of the revenue coming into the restaurants is cash. She knows most, if not all, the cash goes into a safe. The dishwashers are paid from this cash without any deduction for taxes. She says most of the dishwashers are undocumented immigrants. Some of the cash is also used to maintain John's supply of cannabis. He is a very heavy user. Mary does not believe any of the cash finds its way to the accountants and does not show up on John's tax returns. Mary also tells you John boasts that not all the rent he collects is reported to his accountant and does not show-up on his tax return.

Mary tells you she suffers from bipolar disorder. The medications she takes to regulate her condition are prescribed by her psychiatrist. Smoking cannabis would cause serious problems with her bipolar disorder. Mary also tells you she and John have always filed separate tax returns. She has not used John's accountant.

Mary's financial situation desperate. She fears John will get away without paying child. His tax returns reflect a small portion of his actual income.

John has decided not to get a lawyer. His tax returns show very little income so he is confident there will be little or no child support to pay. You are considering informing the court about the undisclosed cash, undocumented immigrant dishwashers working under the table, and the rent that goes unreported along with the restaurant employees who get much lower wages in exchange for free apartments. Are there any ethical considerations in sharing this information with the court?

OR

John has hired an experienced family lawyer. Based on your conversations with her, you do not think she knows about the cash, undocumented immigrant dishwashers or the undisclosed rental income and free apartments in lieu of wages for restaurant employees. The Temporary Hearing is coming up shortly. The deadline for automatic disclosures falls after the hearing date. You are considering informing the court about the undisclosed cash, undocumented immigrant dishwashers working under the table, and the rent that goes unreported along with the restaurant employees who get much lower wages in exchange for free apartments. Are there any ethical considerations in sharing this information with the court, but not opposing counsel?

NonClt/JPC/Inns/2017-18