

2025–2026 Edition Highlights

§ 3:15 after note 38: Questioning of witnesses by the trial judge: when is it excessive?

§ 3:15 following note 39: Informal trial procedures

§ 5:11 following note 5: Priority points for allocating seating at sporting events: are they marital property?

End of § 6:49: Stock option plans as a source for both property division and alimony.

6:73 after note 11: Enterprise vs. personal goodwill—should it be all or nothing?

§ 6:99 after note 46: Sharper language suggesting that courts should not unconditionally order either spouse to refinance property, as only the creditor can grant an application to refinance. If creditors deny multiple attempts to refinance, what happens next? The better option is to order that the spouse in possession make reasonable good faith efforts to refinance the debt, and to provide for a different result (or reserve jurisdiction to order a different result) if refinancing proves to be impossible.

§ 6:107 after note 6: Dissipation in situations where a transfer has multiple purposes.

§ 7:2 after note 2: Reorganized discussion of agreements and stipulations as to the date on which marital assets will be valued.

§ 7:23 after note 53: Sales of businesses, personal goodwill, and covenants not to compete: why courts should not hold that a buyer paid a large sum of money in return for a covenant not to compete with a worthless business.

§ 8:30: Sharper reminder that no matter how strongly statutory or case law insists that the court must consider the tax consequences of its division of marital property, the court cannot consider tax consequences unless the parties introduce evidence of what those consequences will be.

§ 9:14 after note 16: New discussion of selecting the buyer when the court orders sale of a marital asset.

Significant new state-specific material in chapter 10 for Alabama (§ 10:2.3), Arkansas (§ 10:5.3), Nebraska (§ 10:29.3), New York (§ 10:34.1), and Utah (§ 10:46.2)

... and of course another year of nationwide case law added to many different sections throughout the treatise.