

THE ~~WR~~ONG WIDOW

By Renée Henning

Recent widows and their children are vulnerable. After losing a spouse, many women are treated poorly. They need a champion with expertise in estates, contracts, competency or other legal subjects. As explained below, this area of law is effectively a wrong widow practice.



Renée Henning and her late husband Richard

For centuries, people have profited from the death of a colleague, friend or relative at the expense of the decedent's wife. Many of the horror stories involve a partnership. One partner tried to cheat the widow by closing the company, making her half interest virtually worthless. The next day he opened another company at the same address, with the same employees and for the same clientele but under his sole ownership.

In a less formal commercial arrangement, a young lawyer referred a matter to another attorney to handle in court. They were buddies from law school days. Their arrangement

to share the attorney's fee was not their customary split because the first lawyer had devoted so much work to the case.

Days later he died suddenly, leaving a wife and two little sons. Seizing the chance to earn more at the widow's expense, the law school chum tried to revise the deal.

Frequently, the stories involve greedy relatives. In one case, a dying man was the chief stockholder in a family funeral business. Millions of dollars were at stake. For several years after his death, his brothers delayed settling with the widow to force her to accept a pittance for

his share. The woman, increasingly desperate, began showing up daily and sitting quietly in the funeral home. The police refused to remove her so the partners asked a judge to issue a restraining order against her.

The problem of wronged widows is worldwide. For example, in some African countries, a new widow may lose many possessions to property-grabbing relatives.

A recent example of the treatment of women acting alone concerns a life insurance policy with a death benefit of about \$200,000. In 2004, my husband, Richard Henning, Jr., bought the key-

man policy from his law firm during his transition from partner to "of counsel." Battling cancer, he wanted this additional insurance to help protect our minor children and me.

In 2010, my dear husband died while still working for the law firm. He had been a partner and friend for years with the people with whom I later dealt, Joe and another attorney. My spouse and Joe had been pals for 35 years. In 1976, Joe was in our wedding party. In the 1980s, the two men co-founded the firm and the two families jointly purchased a vacation apartment. My children called him "Uncle Joe."

My husband had said I was the beneficiary on the policy. Thus, I was shocked after his death that his employer claimed the proceeds.

I requested a meeting, which never occurred, leaving all communications in writing. For several months, the two partners avoided telling me if they would keep the money. They were supposedly unable to decide anything concerning the proceeds. I suggested they give me the money, as my husband wanted, for the good of our family. They did not reply.

After further work on my part, they announced their decision. According to the email, I was not designated as the beneficiary of the policy "whether by design, mistake or error." They ruled out sharing because of a mistake by anyone else, including my husband and the insurance company, despite serious questions about that company's competence. In short, both men decided to keep every penny.

I made a blunder by pursuing without a lawyer justice for my children, now college students and me. Unfortunately, many women make this mistake. No wise woman lets her divorcing spouse decide how to split their assets, since the less she gets, the more he keeps.

For the same reason and because business is business, a widow should not let her husband's colleague determine the equitable division of money or property.

A lawyer can represent the widow on a contingent fee basis. He would receive a specified percentage of what he recovers for his client. A woman with an attorney should collect significantly more money than she would have otherwise—even after deducting the legal fee.

A widow's adversary has many ways to cast itself as the injured party and her as the wrongdoer in their dispute. For example, it may lie or may declare itself insulted when no insult was intended.

A woman representing herself should expect the other side to take offense regardless of whether she presents her case in writing, orally or silently.

In fact, the mere presence of an attorney can make a difference. It serves as a warning to people hoping to take advantage of a grieving wife—they picked the wrong widow!

As to written communications, "Uncle Joe" and his partner objected to my "tone." As to oral communications, the opposing side may accuse the widow of yelling, misunderstanding business or much worse. As to the silent vigil discussed above, the surviving partners objected to the very sight of the woman, even seeking an order barring her from the premises. Therefore, the widow should adopt a fourth approach, i.e., pursue justice through an attorney.

Many students entered law school wanting to help those in trouble. They can realize their goal and make money by aiding bereaved women and their children. In fact, the mere presence of an attorney can make a difference. It serves as a warning to people hoping to take advantage of a grieving wife—they picked the wrong widow!

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