

parties have approximately the same amount in their funds, or close thereto. Thus, a division is [*26] unnecessary and each party is entitled to retain their existing interest in their own accounts.

2. *Equitable Distribution of the Medical Degree*

[8] Mr. Francis requests equitable distribution of Dr. Wright-Francis' medical degree, which was acquired after one (1) year of marriage. The U.S. Virgin Islands has not previously decided whether educational or professional degrees constitute marital property.²⁰ [HN6] Most states hold that an educational degree is not marital property. Courts have consistently considered whether one spouse had postponed his or her own career and educational goals to support and contribute to the career and educational goals of the other spouse. See, *Mahoney v. Mahoney*, 91 N.J. 488, 453 A.2d 527, 531-32 (1982); *In re the marriage of Sally K. Olar*, 747 P.2d 676, 678 (1987). They also acknowledge the injustice that occurs after "a couple collectively works towards the attainment of an advanced educational degree or career goal," the expectation of a higher standard of living in the future can be frustrated by the dissolution of a marriage. *In re the marriage of Sally K. Olar*, 747 P.2d 676, 678 (1987). They also acknowledge that injustice that occurs after "a couple collectively works towards the attainment of an advanced educational degree or career goal," the expectation of a higher standard of living in the [*27] future by the dissolution of marriage. *In re the marriage of Sally K. Olar*, 747 P.2d. 676, 678 (1987).

²⁰ For the purpose of this Order, education and professional degrees will be used interchangeably.

[9] [HN7] Many states have compared professional degrees to pension or retirement plans when establishing what constitutes marital property. Pension and retirement plans entitle an owner to a definite amount at a certain date, which an individual has a contractual right to receive. See, *Fuentes*, 38 V.I. 29, 1997 WL 889532, at *5-6. See also, *Kikkert v. Kikkert*, 88 N.J. 4, 438 A.2d 317 (1981). Professional degrees rely on uncertain future events and provide only an expectation of enhanced income. The value of a professional degree is speculative and dependent upon the attributes and future choices of its possessor to be fairly valued. See, *In re the marriage of Sally K. Olar*, 747 P.2d 676, 679-80 (1987). See also, *Archer v. Archer*, 303 Md. 347, 493 A.2d 1074, 1079 [**30] (1985), citing *Deering v. Deering*, 292 Md. 115, 437 A.2d 883 (1981). See also, *Mahoney v. Mahoney*, 91 N.J. 488, 453 A.2d 527, 531-32 (1982).

New York is the only jurisdiction so far to rule professional degrees are marital property subject to equitable distribution. See, *O'Brien v. O'Brien*, 66 N.Y.2d 576, 498 N.Y.S.2d 743, 489 N.E.2d 712 (1985). New York legislation provides that a court consider the efforts one spouse has made to the other spouse's career. See, N.Y. DOM. REL. LAW § 236(B)(1), (5). In *O'Brien v. O'Brien*, the Defendant-wife sought equitable distribution of the Plaintiff/Husband's license to practice medicine. The Plaintiff commenced the action for divorce two (2) months [*28] after obtaining such license. The Plaintiff began his postgraduate classes after the parties were married. For the majority of the parties nine (9) years of marriage, he was working towards a career in medicine. Meanwhile, the Defendant maintained their household, relinquished her opportunity to further her career,

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