

INITIAL CONSULTATION CHECKLIST

[Note: The following is a menu of questions from which to choose those that are most important to you. To maximize the usefulness of your consultation, bring 3 years of tax returns, a net worth statement and your Statutory Criteria Summary.]

Attorney/Client Relationship & Handling of The Case:

1. Are you supportive of ADR? If I decided to mediate, would you act as my review counsel? What do you understand the role of review counsel to be?
2. Do you offer “(see Chapter Four) legal services” and if so, how might that work most productively in my case?
3. How many of your divorce cases go to trial each year?
4. Do you have a policy of returning calls within a certain amount of time?
5. Will you be available to meet with me before any court proceedings or “four-way” negotiation session?
6. Do you prepare clients prior to depositions or court hearings by cross-examining them as you expect the other lawyer would?
7. How would you try to minimize the impact of the divorce on my kids?
8. Is there anything I should do right away to protect my interests (for example, re joint bank accounts & credit cards, pending loan applications, upcoming pension elections, etc.)?
9. Are there things that I can get started on (financial affidavit, gathering documents, etc.) that will expedite my case?
10. Are there things that I shouldn't talk to my spouse about?

Attorney's experience:

11. How long have you been practicing family law?
12. What percentage of your practice is devoted to divorces?
13. Besides family law, what other types of law have you practiced?
14. What kind of relationship do you have with my spouse's attorney?
15. Are there any attorneys with whom you would prefer not to work?

Others Who May Become Involved in Your Case:

16. In the event a lawyer or guardian is to be appointed for my child(ren), will I be able to participate in the decisions re who you would recommend to the and what role such a representative would play?
17. What other members of the firm will be involved in my case, what experience do they have and what work will they be doing on my case?
18. Is your support staff experienced in family cases? What tasks do they perform?
19. Might an actuary, accountant or lawyer outside your firm render services such as preparing qualified domestic relations orders (see Chapter Eight)? If so who, and what tasks do you envision them performing?
20. Will you personally handle all substantive court proceedings and settlement negotiations?

Fees & disbursements:

21. What are the hourly rates of other lawyers who may work on my case?
22. Will I be charged for non-legal clerical work such as bill preparation and scheduling of appointments?
23. Will you be sending me a letter re your fees?
24. Do you charge by the minute, increments of .1 hour or in some other way?

Range of Likely Outcomes:

25. Based on my tax returns, net worth statement and statutory criteria summary, what can tell you tell me about the range of likely outcomes in my case re: child custody/access, property settlement, child support and alimony?

Miscellaneous:

26. Do you use software such as Finplan to run alimony scenarios, calculate present value, etc.? Do you do that personally or does someone else in your office do it?
27. Additional questions: _____

STATUTORY CRITERIA SUMMARY

Date of marriage: ____/____/____

Marriage # for Wife (1st, 2nd, etc.):____; Marriage # for Husband (1st, 2nd, etc.): _____:

Wife’s date of birth: ____/____/____; Husband’s date of birth: ____/____/____

Wife’s occupation: _____

Husband’s occupation: _____

Ages of children: _____

Children’s special needs: _____

Value of property currently in Wife’s name: \$ _____

Property (with values) in Wife’s name at time of marriage: \$ _____

Value of property currently in Husband’s name: \$ _____

Property (with values) in Husband’s name at time of marriage: \$ _____

Value of jointly owned assets: \$ _____

Wife’s employer: _____

Wife’s current total annual compensation (salary/wages/commissions/bonus): \$ _____

Wife’s current total annual compensation over the past 3 calendar years: \$ _____

If Wife is self-employed, business’s gross revenue/net profit from last filed tax return:

\$ _____ (gross revenue) /\$ _____ (net revenue)

Husband’s employer: _____

Husband’s current total annual compensation (salary/wages/commissions/bonus): \$ _____

Husband’s current total annual compensation over the past 3 calendar years: \$ _____

If Husband is self-employed, business’s gross revenue/net profit from last filed tax return:

\$ _____ (gross revenue) /\$ _____ (net revenue)

Combined annual unearned income (interest, dividends, etc.) \$ _____/yr.

Other expected future sources of income or property such as trusts (source & est. amount):

Wife: _____ \$ _____

Husband: _____ \$ _____

Property (with estimated values) received by inheritance or gift during marriage – Husband:

\$ _____; Wife: \$ _____

Significant health issues:

Wife: _____

Husband: _____

Educational Level including degrees and dates:

Wife: _____

Husband: _____

If applicable, length of time currently out of the workforce: Wife: _____ Husband: _____

Do you have a prenuptial agreement? _____ If so, when was it signed? _____

Which if either spouse has been primarily responsible for child-raising? _____

Reasons for breakdown of marriage:

Your concerns or contentions, if any, re: income (for example, you may lose your job; your spouse is understating or voluntarily reducing his/her income; etc.)

Your concerns or contentions, if any, re: assets & liabilities (for example, possibility of losing your home; you believe your spouse is disposing of assets; your debts are too high; etc.)

Specific events or conversations that you feel may impact support or property distribution:

Other factors (not mentioned above) that you feel may impact resolution of financial issues:
