

CLIENT HOMEWORK

THESE TASKS ARE NOT EASY! Do not expect to complete any of them at one sitting.
Be assured, however, that your effort is necessary and worthwhile.
DO NOT LET ANYONE SEE ANY OF THESE DOCUMENTS.
THESE DOCS ARE CONFIDENTIAL BETWEEN YOU AND YOUR ATTORNEY.

1. **NARRATIVE HISTORY:** Please prepare your marital history in narrative form for us. If you prepare it on the computer, please email it to me so that I may store it electronically with your file. Please realize that it will be held in the strictest of confidence. The more you include --the better. The information you give us is the only real knowledge that we have of your marriage and the contributions of both you and your spouse to the marriage.

Please cover the following areas as they apply to you:

- a. Briefly cover the time that you and your spouse were dating up to the marriage. Emphasize any and all important events/episodes (with particular reference to your child(ren) if custody is contested).
- b. Your education and your spouse's education and/or training, including who paid for the educational expenses and whether or not any loans were incurred for them. If there were loans, how they were repaid. Include any special contributions you or your spouse made to the other's education and/or training.
- c. Your children, including: their growth and development; their health; their educational needs and your expectations of them; the relationship they have with both you and your spouse; and what your role and contributions, as well as your spouse's, have been toward the children.
- d. You and your spouse's employment history. Outline your incomes and how they were spent and/or saved. Include any contributions that either of you have made to the other's employment and promotions, such as entertainment and actual labors at your spouse's employment.
- e. Gifts or inheritances from either of your families, to whom they were made, and how they were used.
- f. Acquisition of assets and any debts existing. If you know, tell us in whose name the asset is titled and who signed the indebtedness, and generally what part each of you played in the acquisition of those assets or the incurring of the debts.
- g. What counseling, psychological or psychiatric treatment either you or your spouse has received, either individually or together.
- h. What events and conflicts have given rise to the breakdown of your marriage. Be as fair to yourself and your spouse as you can.
- i. Detail any major successes or tragic events that have occurred during your marriage.
- j. A health history for yourself, your spouse, and your children. Outline any major operations or health problems. Indicate the names and addresses of physicians for any current problems.
- k. Any other factor or event that you feel is important.

2. **CUSTODY INFO:** If your case involves contested custody or supervised access to your children, please provide the following information:

- a. List and explain all your good qualities as a parent.
- b. List and explain all your shortcomings as a parent.
- c. List and explain all your spouse's shortcomings as a parent.
- d. List and explain all your spouse's good qualities as a parent.
- e. Detail, in your opinion, why it is in the best interest of your child(ren) for you to be named the primary conservator of your child(ren).
- f. List why it would not be in the best interest of your child(ren) for spouse to be named the primary conservator of your child(ren).
- g. Prepare a complete list of witnesses, their addresses, phone numbers, whether they will need to be subpoenaed to testify, and most importantly, about what each witness can testify.

3. **JOURNAL:** I also recommend that you keep a journal during the pendency of your case to keep a record of contact between you and your spouse (or ex-spouse). For example, if you receive a troubling late-night telephone call, you can note the date, time and content of the conversation so that you will have good recollection of it the next time you meet with us.

4. **PHOTOS / VIDEOS:** It may be helpful for you to take some photos of the outside and inside of your home. The outside of your home would need to be captured from all angles. If you have any structures on your land (barns, shops), photograph those as well. Take large view photos and close up photos. Also, take pictures of the inside of your home. It may be necessary to have photos of every room and every piece of furniture. If you have antique collections or any other expensive items, take close up photos of them. It will also be helpful to document all vehicles or recreational equipment as well.

If you have made contributions to your spouses education or business during the marriage, photo any memorabilia or gather past photos you may have honoring that event.

If your case involves custody of a child, old and new photos of your relationship, their friends and their environment will be helpful.

Basically, photograph anything that would be useful in Court. Please organize and label the photos as you would want them presented in Court.

5. **ASSET & DEBT LISTING (INVENTORY & APPRAISEMENT):** Accurate information concerning property and debts is very important in divorce cases. Please fill the inventory & appraisal form as completely as you can, drawing on any source of information to which you have access. Do not enlist your spouse's help. Be cautious: you and your spouse are now legal adversaries, and you should verify all information on your own. Especially when it comes to questions of the present value of property, you should make your own independent estimate.

The form provides for only a few items under each type of property. If you need to provide additional information, photocopy an extra page or use a separate piece of paper. If you do not know the answer to an item, do not leave it blank; write "I don't know."

In addition to factual data, I need to know your desires about division of the property. Please indicate your desires on the form by placing a "W" next to items you want to go to the wife and an "H" next to items you want to go to the husband.

Definitions

Separate Property - Property acquired by a spouse before marriage and property a spouse acquired individually by gift or inheritance during marriage are considered to be separate property of that spouse. If you or your spouse have any property you think is separate property, it is necessary to include that property and designate that it is separate property. Also, indicate that the property is the separate property of which spouse and the reason(s) you believe that property to be separate property.

Community Property - All property that is not separate property is community property.

Fair Market Value - A generally accepted definition of fair market value is the price at which the asset would change hands between a willing seller, under no compulsion to sell, and a willing buyer, under no compulsion to buy, with both parties having reasonable knowledge of the relevant facts. Use this value whenever possible. If an asset has no fair market value, state the actual value of the asset to you considering its present condition.

Finally, I will rely on the listing you provide to prepare the Inventory and Appraisal in the case. If you omit any asset, the court could set it aside to your spouse now or at a later date. If you omit a liability, you may be solely responsible for it. You will be required to verify to the Court that these are all the assets and liabilities of community and separate property of which you have knowledge.

6. **BACKUP DOCUMENTS/EVIDENCE:** You will need to obtain copies of the following document, to the extent they exist. This applies whether the assets or debt is in your name, your spouses name or in both names:

- _____ deeds and deeds of trust on any real property
- _____ automobile/boat/or other recreational vehicle titles
- _____ Bank statements for all accounts
- _____ stock account statements
- _____ retirement statements (both spouses)
- _____ other employee benefit statements (both spouses)
- _____ investment account statements
- _____ life insurance policies and account statements (both spouses)
- _____ tax returns
- _____ pay check stubs (both spouses)
- _____ credit card statements
- _____ loan papers
- _____ any other documents that may lead to the discovery of assets or liabilities