

## IMPORTANT INFORMATION FOR CLIENTS

We covered a lot of territory today, when we met to discuss your case. However, I realize you may have some questions, and this letter should help with some of the basic items. I suggest you keep it with your file for future reference.

### OFFICE HOURS

Our office is normally open as follows:

Monday - Friday      8:00 a.m. - 12:00 noon and 1:00 p.m. until 5:00 p.m.

Arrangements can be made in advance to accommodate a client prior to or after normal business hours.

### TELEPHONE CALLS/EMAILS

Please call us or email us when you have a question or need advice concerning your case. Advice from friends and relatives is great, but, remember, you have retained us to advise you. Your case is different from Aunt Jane's and what the judge did in Joe's case may be totally different from your fact situation. Please contact us if a question arises.

Our contact info is as follows:

Colley Law Firm  
PO Box 2009  
307 N. Jefferson  
Mt. Pleasant, TX 75455  
Tele - 903-572-7712  
Fax - 903-572-7753  
[www.colleyattorneys.com](http://www.colleyattorneys.com)  
[d@colleyattorneys.com](mailto:d@colleyattorneys.com)

Sometimes you will call and will not be able to immediately reach D'Ann. Please feel free to talk openly with Erika. Many times, she will be able to help you, and she always will make sure your message gets to your attorney. Remember that our practice is a busy one. We are in court and otherwise occupied many times each week on matters which require our extended, immediate attention. As a result, we rely on Erika to communicate a great deal with you. We hope you will be understanding of this as we work with you.

From time to time, we will need to meet and confer about matters in your case. Whenever you need to see me, please call for an appointment. Virtually every business day is filled with various matters and just dropping by the office is not an effective way to see me.

### TROUBLE

Being married does not give a person the legal right to harass or assault their spouse. If your spouse harms you, or even threatens you, call the police immediately! This same advice applies to former spouses, too!

## **COURT DATE**

If your case is resolved rather quickly (may be the case with agreements), it will usually be heard in the District Court in 90 to 120 days after it is filed. We will do everything possible to have your case heard as soon as possible. You do not need character witnesses. Appropriate dress should always be worn when you are appearing in Court. **NO SHORTS OR HATS!**

We will advise you of Court dates when we are notified of them. You should not be late when going to Court! However, please be aware that in cases in which there are contested issues, the time it takes to complete your divorce is usually much longer. Again, we will try to bring the case to a conclusion as soon as possible.

## **WHEN IS MY DIVORCE FINAL?**

Your dissolution of marriage is final the date the Decree is signed by the Judge. We suggest you should not remarry for 45 days after your Decree is signed due to possible appeals.

## **ATTORNEY FEES**

We enter into a written agreement with all clients in these family law matters. You have received a copy of your agreement. If you have any questions, feel free to call me. Fees must be paid prior to our firm undertaking representation of you. You will be sent a monthly statement detailing the activity in your case for the month. Any outstanding fees or expenses are due upon your receipt of that bill. Please note that your failure to pay the fees and expenses as outlined in the contract you signed with our firm, will result in the attorney withdrawing from your case and ceasing representation of you.

## **CHILDREN**

Marital problems are extremely difficult for the children. Do yourself and your children a great favor by not "poisoning the mind" of your children. Do not dwell on your spouse's faults! Realize from the beginning that children and visitation privileges are not tools for bargaining; don't use them as threats. Children understand much more than you realize, and you should always consider their feelings and best interests when it comes to visitation and "family" matters.

## **COMMUNICATION INVOLVING YOUR SPOUSE OR FORMER SPOUSE**

Many people do not like to talk with their spouse or former spouse during the pendency of the case and refer everything to their attorneys. Obviously, bad feelings and emotions many times make this the only way to proceed. However, much can be accomplished through a calm, objective discussion of the problem, whether it is visitation, support, or custody. Please try to keep the lines of communication open because you will be dealing with this person long after the attorneys are out of the picture. We welcome and encourage your input and suggestions.

Also, a common question concerns eavesdropping or listening devices. Be aware that it is illegal and an invasion of privacy to record or listen in on other people's conversations, whether by telephone or otherwise. Do not do so.

Previous approval to open mail addressed to your spouse is automatically withdrawn upon the filing of a Petition for Divorce. It is illegal and a violation of the United States Postal Code to open mail addressed solely to your estranged spouse.

## CONTACT

Please call or email any time we can help you. This is a difficult time in your life, and it is our desire to assist you. Call or email when you are worried, have a question, or if we can help in any way. We will do everything legally possible to bring about a quick, quiet and good result for you. However, please remember that we do bill you for the time taken for telephone calls and emails as well as for other matters in your case.

## COUNSELING

Good counselors are available, and we will be happy to recommend a counselor if you wish.

## HOMEWORK

Although you are paying me good money to handle your case, I am only as good as the information I am provided by you. Therefore, it is imperative that you prepare the following requested information, along with any other homework that is requested of you throughout this case and return it me by email or otherwise as soon as possible:

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