

DIVORCE GUIDELINES

YOU ARE ABOUT TO GO THROUGH ONE OF THE MOST DISAGREEABLE EXPERIENCES THAT YOU WILL EVER BE FORCED TO ENCOUNTER.

In the course of a divorce proceeding, you spouse's attorneys and accountants can have access to every bit of personal information and personal records that you have ever accumulated. You must consider that any action you now take, no matter how innocent in its intent, can be used against you at the time of the trial.

If depositions are utilized in the case of when the case is tried, you will be subject to cross-examination by an experienced attorney who will be allowed to ask you almost any question, and you will be required to answer the same unequivocally and without being able to ask questions in reply.

YOUR ATTORNEY DOES NOT MAKE YOUR CASE. YOU, THE CLIENT, HAVE BROUGHT YOUR CASE TO ME WITH CERTAIN FACTS ALREADY IN EXISTENCE. I MUST MAKE DO WITH THOSE FACTS AND WILL ATTEMPT TO INSURE THAT YOUR FUTURE CONDUCT DOES NOT JEOPARDIZE YOUR CASE.

The following instructions, which I give to every client in each case, and which, if followed, may give us a decided advantage in the case, can be helpful.

(1) DO NOT DATE DURING THE PENDENCY OF THE DIVORCE. *If you are unable to abide by this rule, then only go with a date to those places where you will not be seen by your spouse, your spouse's friends, or other persons, including your friends and relatives, who might relay the fact to your spouse that "you have been seen with a date." The easiest way to turn an uncontested divorce into a contested divorce is for your spouse to become aware of the fact that you are now dating. YOU SHOULD BE AWARE THAT YOUR PERSONAL CONDUCT, BOTH BEFORE AND AFTER THE DATE OF SEPARATION THROUGH THE DATE OF THE DIVORCE, IS SUBJECT TO BEING QUESTIONED BOTH IN DEPOSITION AND IN TRIAL IN COMPLETE DETAIL.*

(2) *If you and your spouse have minor children and you have custody or visitation with the children during the pendency of the divorce, UNDER NO CIRCUMSTANCES ARE YOU TO BRING YOU CHILDREN AROUND ANY PERSON WHOM YOU ARE DATING, or allow any person whom you are dating to come around your children. There are no exceptions to this rule. If you date comes to pick you up at your house, the children either must be away from the house or else your date cannot come to you house and you must meet your date elsewhere.*

(3) *No attorney likes to be called between 10:00 p.m. and 7:30 a.m.; however, IF YOU HAVE ANY PROBLEMS, CALL ME RATHER THAN WORRY ABOUT THE PROBLEMS. Please just do it during reasonable times. You hired me as your attorney to counsel you, and I urge you to do so. If you can discuss your problems with me or with someone in my office, hopefully you can gain peace of mind. For example, if your*

spouse threatens to take the children and leave the country, call me. Do not worry about it by yourself. You might be billed for telephone calls made, but you will find that there are many times we do not bill for telephone calls.

(4) DO NOT DISPOSE OF PROPERTY OR MONEY or threaten your spouse with doing so. Do not create debts other than for ordinary and necessary living expenses or in the regular course of your business if you own or operate your own business.

(5) DO NOT BUY ANYTHING OTHER THAN NECESSITIES during the course of your divorce. If you buy a car, it becomes community property. If you take out an earnest money contract on a house, you are acquiring a community asset.

(6) CONTACT ME before you make unusually large or irregular payments on bills, notes or loans. You should be prepared to make normal, regular payments toward your debts.

(7) DISCUSS WITH ME ANY ASSETS which your spouse might dispose of without your consent. This would include checking accounts, savings accounts, stocks, bonds, CDs or other such readily negotiable items. Any asset subject to a debt that needs to be paid must be protected, so discuss it with me immediately. Also, businesses which might be run into the ground or other assets which are subject to destruction, concealment or dissipation should be discussed fully with me at the first interview.

(8) FOLLOW MY ADVICE. If you do not understand it, ask me to go over it again.

(9) CUT DOWN ON UNNECESSARY LIVING EXPENSE. Realize that the income you and your spouse lived on before the separation must now support two separate households; therefore, your standard of living will be reduced.

(10) IF CUSTODY IS INVOLVED IN YOUR DIVORCE CASE, REMAIN IN YOUR RESIDENCE. If you have moved out, I would suggest moving back in until the time of the temporary court hearing. No court can require you to vacate your home without a full and complete court hearing.

If you decide to vacate your home, take all the personal items that you will need pending the final divorce and keep these personal items, if possible, to help you get a better property settlement.

(11) If a temporary restraining order or temporary spousal support is needed, or if a temporary custody order is required, a hearing will be held within fourteen days of the date of the filing of the divorce petition. These hearings are scheduled for 8:30 a.m. and 9:00 a.m. in the Tarrant County District Courts. You should make plans to be in the

courthouse thirty minutes prior to the time your hearing is to begin on the date of the temporary hearing.

(12) An information sheet setting forth your monthly income, debts, and expenses will be provided to you. Please complete this form and return it to my office. I will need pay stubs or vouchers verifying your income and a complete listing of all your debts and obligations, including monthly payment and exact balance. I will also require information regarding employment and retirement benefits either you or your spouse are entitled to receive, and life insurance policies on your life and the life of your spouse.

(13) If a temporary order is rendered in your case, do follow it to the letter. If you have any questions concerning the meaning of the court's order, please notify me at once. If you are required to pay temporary support or alimony payments, please do it promptly and comply with the court order. If you are receiving temporary support or alimony payments, notify me if your spouse falls behind in the support obligation.

(14) If there is a possibility of a fight for the custody of the children, get in your possession all of the old pictures of you and the children that you can and on every occasion possible take pictures of you and the children in a happy situation and mail or bring them to me. Remember, the law requires a greatly increased burden if you request a modification of custody after the entry of the divorce decree; therefore, if you believe it would be in the best interest of your child or children that you have custody, I would suggest considering requesting custody at the temporary hearing stage of your divorce.

(15) KEEP A CALENDAR of significant events which relate to you, your spouse, or your children.

Further, I suggest that you contact certain character witnesses, including people you know at work and church, your neighbors, family friends, high school classmates, and anyone who has seen you caring for you child or children.

(16) If there is property involved, GET COPIES OF ALL THE LEGAL PAPERS, insurance policies, titles, certificates of deposit, bank books, canceled checks, deeds, notes, deeds of trust, pension and profit-sharing plans, payroll check stubs, contracts, and any matters which might have any bearing at all on any property and bring them to my office.

(17) If I am unavailable when you have an urgent matter to discuss, please discuss it with my legal assistant. The lawyers in this firm do a significant amount of trial practice, and we are often unavailable during normal working hours. We do return our telephone calls and make ourselves available through our legal assistants. If you have questions, problems or "emergencies," please contact us. We will try to be of help.

(18) REMEMBER, THIS CASE IS YOUR CASE AND THE OUTCOME WILL DEPEND MAINLY ON YOUR ATTITUDE AND CONDUCT DURING THE DIVORCE. WHEN YOU DO ANYTHING, ALWAYS KEEP IN MIND HOW IT WILL LOOK IN THE COLD, HARSH LIGHT OF THE COURTROOM.

(19) DO TELL US ALL OF THE PERTINENT INFORMATION OF WHICH WE MAY INQUIRE. YOUR SPOUSE'S ATTORNEY WILL UTILIZE EVERY BIT OF DAMAGING EVIDENCE AGAINST YOU AT THE TIME OF TRIAL. WE NEED TO KNOW ABOUT POTENTIALLY DAMAGING EVIDENCE SO WE MAY BE ABLE TO CONFRONT AND DEAL WITH IT IN THE COURTROOM.

Once the divorce is concluded, please consult with me concerning changing the title to motor vehicles, deeds to property and changes required in your will. If you have yet to make a will, this would be an excellent time to do so.