Introduction

Why a book of letters for divorce lawyers? After all, we already have *Letters for Lawyers* and *Letters for Litigators*, both excellent books, so why another book of letters? Because, at least in part, divorce clients are a peculiar breed. I found it safest to assume that my divorce clients are acutely crazy. This is perfectly understandable. If a potential client is in your office getting information about a divorce or getting ready to file a divorce or needing to defend a divorce, that person’s life has gone upside-down and you are on the front line with the wounded. To function successfully as a divorce attorney, you must have patience, compassion, and a strong self-protective instinct. In addition, to be truly successful, you need a large volume of new clients—there just is not that much repeat business in a divorce practice. In order to maintain your own sanity, you need systems, including an arsenal of letters.

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According to Jill Wells Nunnally, a risk management attorney with Minnesota Lawyers Mutual, a legal malpractice carrier headquartered in Minneapolis, Minnesota, through calendar year 2005, 12.4 percent of all of its reported claims came from the family law area. MLM’s data also indicates that 22.83 percent of all malpractice errors came from administrative mistakes and 21.88 percent came from client relations issues, for a total of 45 percent. Translated, this means that you could potentially affect 43 to 45 percent of your legal malpractice risk with better communications and administration/docket control.

To boil this down to the essentials, we have a high-volume business populated by crazy people who will sometimes take their feelings out on their lawyers. Consequently, lawyers who do divorce work need protection—and files filled with letters can provide at least some of this protection. This means real letters—not just e-mails and voicemails,
helpful as those may be. Letters to the client do not always have to be your letters, either. You and your secretary should have an unbroken rule that a copy of every single letter in a case goes to the client, even if it is just a transmittal letter to the court clerk. Letters from you to opposing counsel, to the court, to experts, to whomever, will show the client CC’d at the bottom.

For letters you receive from opposing counsel, the court, the experts, whomever, invest in several rubber stamps. When the letter comes in, whoever opens it should date-stamp it with a stamp that includes either your name or your firm’s name and the date. When you read the letter, you should stamp it with a stamp that says “Copy for your files.” You add the date and your initials below the stamped image. Then, just before your secretary copies the letter, he also initials it. The client’s copy now shows two stamps and the double set of initials, and you now have fairly conclusive evidence in your file that you mailed the copy. Not only does this look very official and remind the client that you are working on his or her case, you also have documentation that the client was informed of whatever—that the hearing was scheduled for a time certain or that the expert has accepted the engagement and what the fees will be. An example is included on page xvii. Some lawyers provide new clients with notebooks tabbed for pleadings and letters, along with a three-hole punch. This allows the client to feel organized and helps ensure that legal paperwork will be kept in one place—even if it is not always read.

This is all well and good, but who has time for all of this? That is where this book comes in. You know you need to send letters, but by the time you get back from court, go through your mail, answer phone calls, and attend to raging fires, you are brain-dead and do not have the creative energies to put together what you need. Go to this book, skim down the table of contents, find the subject you need—say, a letter to opposing counsel about overdue discovery responses (mild reminder)—and ask your secretary to rough this out for you in the Jones case. She takes the disk that came with this book, finds the letter, customizes it for your signature and the task is done, or at least a draft is ready for your tweaking. Or, you can always do the letter yourself if it is already 9:00 P.M., you want the letter faxed and mailed in the morning, and you have no life anyway.

This book is set up chronologically following the usual life of a case. I have tried to cover the most likely events in a typical divorce matter where a letter is suggested or demanded. I hope these letters will make your life easier and your malpractice insurance provider more content.
Finally, not all situations are covered in this book, and I refer you to two excellent books, *Letters for Litigators* and *The Complete Guide to Divorce Practice*, for additional examples of letters you might use.

**Caveats**

First, this book was written by a Georgia lawyer and occasionally refers to Georgia law. Be sure to customize any letter for your state’s peculiarities.

Second, many of the letters included in this book were taken from actual files, so it has been necessary to remove identifying indicia. This process has made some of the wording a bit awkward, particularly with the use of names. Feel free to put names in your letters where mine show “your client” or “opposing counsel.”

Third, for the same reason, all dates have been changed, mostly to 2005 and 2006. If the dates don’t quite make sense, just pay attention to the overall content.

Fourth, I usually capitalize legal pleadings terms, especially when writing to clients. This helps the client differentiate the legalese and pick out the more important parts.

Finally, there are a few samples of advocacy letters and a couple of agreements. You will not be able to use these verbatim, but you might get some ideas for when you find yourself in similar situations.

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