

Foreword

This manual is written by a divorce trial lawyer for divorce trial lawyers. It is intended to give new lawyers a complete set of forms, checklists, and procedures to follow and it is hoped it will provide a supplement to the experienced trial lawyer.

This manual contains policies, checklists, procedures, and forms for every aspect of family law practice from screening and initial interview to file set up, to checklists for filing lawsuits and monitoring discovery, to case management, trial preparation, and miscellaneous client correspondence.

The checklists are designed to create uniformity of procedures in the law office. The office will run more smoothly and efficiently if lawyers and staff have checklists. No airline pilot flies a plane without checklists and no attorney should run an office without them. The checklists cover everything from conflict management to client deposition preparation, to cancelling a hearing, to taking a file over from another lawyer.

The form letters are designed to inform clients of the process every step of the way. Detailed form letters are included to educate the client on the legal processes and to understand everything that is happening. The letters explain each element of the discovery process, rights and obligations of filing and answering complaints and discovery, the trial process, and the settlement process. Educated clients make better clients. Moreover, the letters are designed not only to assist the lawyer with malpractice prevention but also to make the law office more efficient and profitable.

Finally, there are policies included for the benefit of firm management, such as codes of conduct for the lawyers, policies for taking a case from another lawyer, and policies for handling pornography.

Some legal forms, such as complaints, motions, and answers, are not included because these forms are very state-specific. I have included some discovery and other forms as a prompt toward standardization and efficient handling of case management.

Since this book was first published in 2010 there have been a lot of changes in the legal world. Communication is now through e-mail, text, and social media. Items that were labeled “letters” in the previous edition, are now going to probably be “e-mails.” In addition, case management and document assembly software use has increased exponentially. Every time I speak or write to lawyers, I urge them to invest in obtaining and learning case management and document assembly software. Some case management software listed on the ABA technology website include

- Abacuslaw
- Amicus Attorney
- PCLaw
- PROLaw Ready
- STI PracticeMaster

- Time Matters
- Clio
- Practice Panther
- My Case

Document assembly functions often accompany case management software. There are programs such as the following dedicated to document assembly:

- AIA contract documents
- Blumberg Excelsior
- Contract Express
- D3—Dynamic Document Drafting by Microsystems
- DealBuilder by Business Integrity
- DirectLaw
- DL Drafting Libraries document assembly
- Exari
- HotDocs

For more, see ABA website: https://www.americanbar.org/groups/departments_offices/legal_technology_resources/resources/charts_fyis/docassembly/

Every lawyer should take every pleading and create an ideal form and program it into document assembly software. This not only speeds document preparation up exponentially, it can eliminate errors from drafting from the “cut and paste method.”

How to Use This Manual

This manual is designed to take the reader through the family law process from beginning to end. It is divided into chapters such as “Client Intake,” which deals with client intake and file set-up, and “Litigation,” which deals with everything from the filing of the complaint, to temporary hearings, to answering discovery. It is hoped that the division into chapters will allow the reader to locate the desired form quickly and easily. In addition, the index is designed to provide the user with a quick reference to find a needed form or checklist.

I have worked hard to make the forms and checklists universal. However, this is not possible in all respects. Some forms and checklists may include references to particular deadlines or laws from Mississippi. The choice was made to leave those references in the form to give meaning to the form, but with the admonition that users should adapt the form to their state’s laws or procedures.