

Contents

The More Things Change	xi
Acknowledgments	xv
SECTION I Pretrial A to Z	1
<hr/>	
CHAPTER 1 Initial Client Contact	3
How Can We Help?	3
The Initial Consultation	4
Strategies for a Successful Consultation	5
Initial Information to Gather	7
Subjects to Discuss	7
Final Thoughts	11
CHAPTER 2 Starting the Case	13
The GO (Goals and Objectives) Meeting	13
Initial Tasks	14
Master To-Do List	16
Financial Templates	17
Organizing the File	18
Notes about Individual Folders	19
Naming Documents	20
Create a Docket Reference	21
Final Thoughts	21
CHAPTER 3 Managing Your Case	23
Managing Information	23
Planning	26
CYA	28

	Managing Discovery	28
	Managing Your Relationship with the Client.	29
	Final Thoughts	31
CHAPTER 4	Case Analysis and Discovery	33
	Case Analysis	34
	What’s the Story?	38
	Case Development	39
	Formal Discovery	42
	Depositions	51
	Third-Party Depositions	54
	Timing of Depositions	55
	Sequence	56
	Preparing to Take a Deposition	56
	Taking the Deposition	58
	Making Your Record.	60
	Witness Management	61
	Defending the Deposition	67
	Final Thoughts	68
CHAPTER 5	Motion Practice	71
	To File or Not to File	71
	Common Types of Motions	73
	Drafting Motions	76
	Make the Motion Easy to Read.	78
	Opposing Party Motions	79
	Arguing the Motion.	80
	Pretrial Settlement Conferences	82
	Final Thoughts	83
CHAPTER 6	Special Problems in Divorce Litigation.	85
	Pro Se Opponents	85
	Difficult Opposing Counsel	87
	Difficult Clients	88
	Impaired Clients	90
	Dealing with the Malignant Narcissist	92
	Final Thoughts	94

SECTION II	Trying the Case	95
<hr/>		
CHAPTER 7	The Art of Advocacy	97
	Why a Divorce Trial Is Unique	98
	Telling the Story	98
	Final Thoughts	100
CHAPTER 8	Opening Statements	101
	Goal of the Opening Statement	101
	The Structure of the Opening Statement	102
	The Three-Minute Opening	103
	Other Thoughts about Content	104
	Preparing the Opening Statement	107
	Presenting the Opening Statement	107
	Exhibits	109
	Objections	110
	Final Thoughts	110
CHAPTER 9	Offense: Presenting Your Case	111
	Organizing Your Materials	111
	Direct Examination	113
	Structure and Strategy	114
	Preparing the Witness	116
	Conducting the Examination	117
	Witness Control	124
	Exhibits	127
	Defending Objections	130
	Making Your Record	133
	Final Thoughts	134
CHAPTER 10	Defending the Case	135
	Keeping Your Opponent's Evidence Out	135
	Cross-Examination Fundamentals	140
	Conducting the Cross	148
	Impeachment	152
	Refreshing Witness Recollection	154
	Final Thoughts	154

CHAPTER 11	Closing Argument	157
	Types of Closing Argument	157
	How <i>Not</i> to Do a Closing Argument	158
	A Six-Step Formula	158
	An Example	160
	Presenting the Oral Argument	164
	Visual Aids	165
	Preparing the Closing	166
	Final Thoughts	167
 SECTION III Deconstructing a Family Law Case		169
<hr/>		
CHAPTER 12	The Child Custody Case	171
	Evaluating the Client	171
	Educating the Client	172
	Evaluating the Case	172
	Early Detection of Child Custody Conflict	173
	Resolving Custody Conflict Out of Court	175
	Going to Court	178
	Formal Discovery in a Custody Case	179
	Guardians ad Litem	181
	Mental Health Experts in Child Custody Cases	186
	Court Experts (Child Custody Evaluators)	188
	Deconstructing a Child Custody Report	190
	Preparing Your Mental Health Expert's Testimony	193
	Presenting Expert Testimony	194
	Cross-Examination of the Expert Witness	199
	Final Thoughts	207
CHAPTER 13	The Financial Divorce Case	209
	Where to Start	209
	Discovery and Investigation	212
	Identifying Property	215
	Working with Experts	219
	Business Valuation	221
	A Sampling of Information to Be Reviewed	221
	The Valuation Process	224
	The Expert Report	226
	Discovery of the Opposing Expert	227
	Direct Examination	230
	Preparing Your Expert for Cross-Examination	237

Cross-Examination of the Adverse Expert238
 Final Thoughts241

Wrap Up243

Appendix: Reference Materials245

Item 1. Consultation Intake Form247
 Item 2. Client Introduction Letter249
 Item 3. Comprehensive Intake257
 Item 4. Fictional Document Inventory265
 Item 5. Case Management Checklist267
 Item 6. Form Letter for Client Documents.271
 Item 7. Form Illinois Matrimonial Interrogatories273
 Item 8. Form Request for Production of Documents281
 Item 9. Authentication by Certification287
 Item 10. Form Letter to Preserve Evidence.289
 Item 11. Form Agreed Mutual Protection Order291
 Item 12. Form Letter to Client Regarding Deposition295
 Item 13. Evidence Foundation Chart299

About the Author.301

Index303