**THE PROCESS — YOUR LAWSUIT AT A GLANCE**

**THE BEGINNING OF THE SUIT**

We begin work on your case when we are retained. We are not retained until you have paid a retainer fee and returned any initial paperwork we have requested that you return. If we have decided to start the suit, we draft papers and submit them to you for approval before filing. After service of the Petition, the law generally provides thirty (30) days for your spouse to answer your Petition. An Answer is a legal document that must be filed with the court.

**FOCUS ON KIDS**

Missouri law requires parents who are divorcing to attend an educational parenting program that is conducted in cooperation with Missouri’s circuit courts. This program is called Focus on Kids and you must attend before your case can be concluded. Please make arrangement to attend the Focus On Kids program as soon as possible. You can enroll in the program by calling 573-886-4038.

**SPECIAL RELIEF**

Often immediate relief is necessary upon the filing of a divorce proceeding. This relief may include requests for restraining orders, temporary support, control of assets, custody and visitation orders, the right to exclusive possession of a home, and/or attorney’s fees. In such cases, we file the motion for temporary relief concurrently with the initial complaint or later. The orders, sometimes called “pendente lite,” Latin for “during litigation,” are temporary. They remain in effect until modified by agreement, or hearing, or until the case is finalized. The need for support is one of the most common reasons for a temporary hearing. At the temporary support hearing, the dependent spouse presents evidence of his or her needs, obligations, and expenses. The spouse from whom support is sought will in like manner present evidence of his or her expenses and income. It is thus important for us to prove facts about the parties’ income at this early stage. Provide pay stubs and tax returns early on so we have as complete a financial picture as possible. Sometimes we must have the court decide who will remain in the family residence during the pendency of the divorce, who will have control of certain assets (like a car), and who will be responsible for certain debts. The judge also hears these requests for this relief.

**DISCOVERY**

The next stage of the proceeding is the “discovery” period. During this stage, both sides try to collect all of the information necessary for settlement discussions and/or trial. Discovery refers to the ability of both parties to get information, primarily financial, from the other side. Discovery includes such devices as interrogatories, depositions, and requests for documents. Usually interrogatories are first and then a deposition may occur if additional information is necessary. This proceeding involves the taking of sworn testimony from you, your spouse, and/or third parties at one of the attorneys’ offices. Usually both clients, both attorneys, and a court reporter are present.

**NEGOTIATIONS**

Please note that our approach to matrimonial litigation will always be to act so as to not make a bad situation worse. We will try to defuse tensions, avoid hostility, and maximize the ability of the parties and lawyers to arrive at a fair and reasonable settlement. Many studies and our own experience show that a negotiated agreement between the parties serves both parties best. An agreement allows the parties to “fine tune” matters between themselves in a way that courts are often unable to do. The court will never know a case as well as the parties and the attorneys do. Therefore, it is always prudent to work out a settlement if possible. However, there are times when the case does not settle despite the best efforts of the attorneys and clients. In our experience, this is a small percentage of the time. Settlement may be impossible to achieve for several reasons, including the unrealistic expectations of the parties, disputes as to the facts or the law, the existence of novel and as yet undecided issues, or the desire on the part of a party to deny a divorce to the spouse. In those instances where trial is necessary, we are well qualified to represent you. Our ability to try cases when necessary allows us to negotiate from a position of strength. Usually, there is understandably less legal expense involved in negotiating a settlement than in trying the case in court. There will be no settlement without your consultation and approval. We will keep you advised about the progress of your case.

**CONTESTED CASES**

If it does not appear that your case will settle or if your attorney feels that settlement negotiations may proceed better against the backdrop of a trial date, a trial date is requested. Upon the completion of all discovery, the case is set for a hearing. Settlement sometimes occurs just before trial, “on the courthouse steps.” The attorney then recites the agreement on the record (before a judge and court reporter). Though both parties may desire a divorce, if there is no agreement on all issues, the matter is contested and a trial is necessary. Preparing for trial is an intense, time consuming, and, therefore, expensive process. Testimony requires preparation. All evidentiary documents are copied and cataloged. If there will be testimony, your attorney will meet with the experts to prepare for cross-examination of the other side. Research and briefs may be necessary. At the trial, witnesses and records substantiate positions of the parties as to support, custody, property, or other issues.

**MATTERS SUBSEQUENT TO JUDGMENT**

Often deeds and other documents must be signed and recorded to complete property transfers after the final decree (by settlement or trial). A list is made of all transfers necessary to carry out the property divisions as agreed by the parties or ordered by the court. Your cooperation in providing such documents as deeds and car titles will aid in the final transfers. During your case, it may be necessary for you to provide us with certain items of personal property such as wills, stock certificates, and photographs. When the case is over, we will arrange for the return of these personal items as well as your file. If the trial court renders a judgment that we feel is contrary to law or is completely unsupported by the evidence, we will discuss your options, including an appeal from the court’s judgment. An appellate action occurs only after extensive discussion between attorney and client.