| **This checklist is not all-inclusive. It is a worksheet and aid. The user should use additional forms as needed and conduct their own appropriate legal research and factual investigation.** |
| --- |
| **ACTION** | **DEADLINE** | **COMPLETED** |
| **Prior to Interview** 🞎 Conflict of interest check 🞎 Gather contact information (minimum of email address or phone number) |     |     |
| **During Initial Interview**🞎 Gather information to assess scope of the representation and spot issues to determine the proper proceeding🞎 Determine if there is a pending proceeding especially pending deadlines or court hearings 🞎 Explain the fee agreement and retainer process🞎 Advise the client what is required to hire the attorney🞎 Provide client with attorney contact information such as business card with phone number and email address, provide contact information for assistant🞎 Refer client to other professionals and attorneys if needed (e.g. bankruptcy, estate planning, accountant, appraiser, etc.) |       |       |
| **Following Initial Interview**🞎 Provide Attorney fee agreement🞎 Collect retainer for fees and costs (if applicable)🞎 Provide client with required documents they need to complete (Such as Client Questionnaire or Vital Statistics form)🞎 Send engagement/ non-engagement letter🞎 Instructions to client 🞎 Pictures/diagrams 🞎 Witnesses 🞎 Diary/calendar 🞎 Asset and liability list (UTCR 8.010(3)) 🞎 Importance of full disclosure of all assets and liabilities 🞎 Mutual Asset Restraining Order explanation🞎 Search database for pending legal proceedings involving any party including civil and criminal  |              |              |
| Initial Preparation of Pleadings 🞎 Parties – e.g., spouses, third parties, companies, trust, joint property owners, adult child attending school 🞎 Venue 🞎 Jurisdiction (personal, subject matter, UCCJEA if applicable) 🞎 File petition or response and additional required documents 🞎 Discovery notice (determine whether applicable) 🞎 COBRA notice (ORS 107.092) 🞎 Vital statistics form 🞎 Confidential information forms 🞎 Request to segregate additional information (if applicable) 🞎 Certificate regarding pending child support 🞎 Review local rules for any additional notices required (e.g., co- parenting education class, mediation) 🞎 Perfect service (see Service of Process Checklist for Oregon Courts, available on the PLF website, [www.osbplf.org](http://www.osbplf.org).) 🞎 Asset and liability list (UTCR 8.010(3)) 🞎 Uniform Support Declaration 🞎Certificate of mailing to DCS  🞎 Notice of lis pendens (if applicable) 🞎 Client approval of all drafts (in writing or email) prior to efiling same  🞎 Explain steps of proceeding to client: filing, service, response, mediation, arbitration/trial setting and time frame for steps🞎 Gather identifying information of opposing party, including photo,  physical description, and vehicle description and provide to  process server. |                       |                      |
| **Temporary Relief (check local rules regarding motion on pleadings or hearing)** 🞎 Temporary Protective Order of Restraint (TPOR/status quo) 🞎 Mutual Asset Restraining Order (if different than statutory) 🞎 Temporary Custody/parenting time 🞎 Mediation - check local practice (court may order without motion) 🞎 Temporary Child support  🞎 Temporary Spousal support 🞎 Exclusive use and possession of residence 🞎 Attorney fees and costs (Suit Money) (check ORS 107.095 for other appropriate temporary relief) |           |           |
| Evaluation of Case 🞎 Statement of facts 🞎 Issues 🞎 Custody 🞎 Parenting time 🞎 Child support 🞎 Health insurance/COBRA 🞎 Life insurance 🞎 Disposition of real property 🞎 Inherited/gifted property or premarital property 🞎 Security interest 🞎 Bankruptcy/ Debt issues 🞎 Spousal support 🞎 Personal property division 🞎 Equalizing award  🞎 Retirement/pension 🞎 Attorney fees and costs 🞎 Tax impacts 🞎 Domestic torts* Other claims or cases

 🞎 Determine if QDRO/retirement account attorney or actuary is  needed 🞎 Experts: Custody/parenting time evaluator, actuary, forensic accountant, occupational specialist 🞎 Asset appraisal/valuation 🞎 Real property 🞎 Business 🞎 Pension and retirement plans 🞎 Jewelry 🞎 Personal property 🞎 Stock and stock options 🞎 Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 🞎 Research legal issues 🞎 Evaluate remedies 🞎 Forum (trial/mediation/arbitration) |                                    |                                    |
| Investigation 🞎 Parties - e.g., spouses, third parties, companies, trust, joint property owners, adult child attending school 🞎 Assets (client to prepare lis, add to 8.010(3) list) 🞎 Appraisals 🞎 Income: paystubs, W-2’s, past tax returns, undocumented income 🞎 Retirement plans 🞎 Liabilities  🞎 Medical records 🞎 Bank records 🞎 Forensic accountant 🞎 School records (e.g., attendance, grades) 🞎 Communications between the parties |              |              |
| Pre-Trial Discovery 🞎 Mandatory discovery (ORS 107.089) 🞎 Request for production served on other party 🞎 Request for production served by other party 🞎 Request for admissions 🞎 Witness screening/interviews 🞎 Depositions 🞎 Subpoena to third parties 🞎 Motions to compel production 🞎 On site inspection 🞎 Other discovery 🞎 Protective orders |             |             |
| Trial Preparation 🞎 Calendar trial date and pre-trial deadlines 🞎 Schedule pretrial appointment for trial prep with client 🞎 Mandatory mediation completed 🞎 Co-Parent Education court completed 🞎 Request updated discovery from opposing party 🞎 Have client provide updated discovery 🞎 Review Petition/counterclaims for proper relief, amend if needed 🞎 Notify client of trial date 🞎 Schedule pretrial preparation appointment with client 🞎 Notify and subpoena witnesses 🞎 Prepare exhibits and exhibit list 🞎 Retain experts and notify of trial date 🞎 Motion for Remote Appearance of Party or witnesses 🞎 Trial memorandum 🞎 Exchange Personal Property Division Spreadsheet 🞎 Statement of assets, liabilities and proposed distribution (update) 🞎 Uniform Support Declaration (update) 🞎 Confer with opposing counsel to narrow issues for trial |                    |                    |
| **Settlement** 🞎 Settlement offer letter (have client approve terms, set deadline for expiration of offer) 🞎 Settlement conference, if appropriate  🞎 Property settlement agreement 🞎 Consider whether ORCP 54 (Offer to Compromise) is useful |        |        |
| **Judgment Provisions** 🞎 Findings of fact including but not limited to: jurisdictional facts, date of marriage, date of separation, identify children, UCCJEA facts, facts relevant to custody determination, parenting time, child support/spousal support factors, findings related to property division and award 🞎 Dissolve the marriage 🞎 Revocation of estate planning, beneficiary designations, transfer on death deeds, and power of attorney designations 🞎 Custody award and rights of non-custodial parent (ORS 107.154) 🞎 Findings of fact regarding 50/50 parenting time denied (if requested) 🞎 Parenting plan 🞎 Maintenance of life insurance and other security for support 🞎 Maintenance of health insurance 🞎 Payment of unreimbursed medical expenses/cash medical support 🞎 Statutory language about parenting time and support 🞎 Statutory language for support payment arrangement (including DCS language) (other than wage withholding) 🞎 Notice of wage withholding language and order 🞎 Statutory language about relocation 🞎 Order regarding Marital Settlement Agreement 🞎 Real property transfers (including legal description, right to possession, payment of encumbrances, and tax consequences)  🞎 Personal property award (particularly or by category, including financial accounts, and deadline/procedure to exchange personal property) 🞎 Debts (e.g., unsecured debt, joint and individual debt, secured debt, premarital debt) 🞎 Closure and award of joint bank, financial and credit card accounts 🞎 COBRA provision 🞎 Life insurance award (of existing policy) 🞎 Retirement account/benefit award and/or order QDRO (confer with QDRO counsel for particular language in advance if possible to properly identify plan, award, payee and alternate payee) 🞎 Spousal support (including type of support, amount, commencement, end date, and conditions for termination) 🞎 Child support (attach child support calculation worksheet) 🞎 Equalizing award 🞎 Restoration to a party of prior legal name (often maiden name) 🞎 Money awards in judgment in compliance with ORS 18.042, including money award for spousal support, child support and any other money award, specification of DCS as joint obligee in money award 🞎 Self-executing language: include language to make the judgment self-executing including VIN, make and model for vehicle, legal description for real property, and paragraph on self-execution of terms 🞎 Requirement to execute any documents necessary to perfect the provisions and exchange documents 🞎 Request for DCS services 🞎 Termination or modification of temporary orders 🞎 Effective Date for all orders 🞎 Attach and incorporate decision letter (if any) 🞎 Cross reference Petition, Response, and decision letter to be sure to dispose of all issues. |                                |                                 |
| **Post Judgment Matters (define with client the scope of what you will handle and what they will handle)** 🞎 Post-trial memorandum/ Written closing if applicable 🞎 Attorney fees/costs (ORCP 68) 🞎 Notify life insurance company of obligation to continue policy and send certified copy of judgment (ORS 107.820(6)) 🞎 Release of personal guaranties and discharge of lis pendens 🞎 QDRO(s) prepared, signed, filed, and approved 🞎 COBRA (notify employer/benefit administrator of divorce/qualifying event) 🞎 Real property deed(s) or assignment of contract 🞎 Provide deposition transcripts to client with letter regarding saving for modification 🞎 Transfer title(s) to cars, motor homes, mobile homes, etc. 🞎 Arrange for transfer of personal property 🞎 Credit cards/charge accounts transferred/closed 🞎 Withdraw as attorney of record or file Notice of Termination (ORS 9.380(2)) 🞎 Letter to client to contact attorney before 10 years to renew money judgment (other than child support, which is valid for 25 years) 🞎 Advise client who receives Social Security benefits about the option of direct deposit to bank account 🞎 Provide the client with a list of attorneys and estate planners who can assist with revising the client’s will and future financial planning 🞎 In cases that involve parenting time, review parenting time arrangement with the client. Be certain client is clear about arrangements for first parenting time period, first holiday, and other days (e.g., child’s birthday) 🞎 Have client make sure address of each parent is updated with school to receive copies of any mailings 🞎 Remind client of obligations and procedures pertaining to payment of support per judgment and documenting payments  🞎 Refer client to tax professional to discuss tax issues (e.g., dependency exemption, filing status, transfers between spouses, retirement account withdrawals, and capital gains/loss)  🞎 Return original documents (e.g., deeds, car titles, insurance policies, pension plans, tax forms) to client and obtain receipt 🞎 Advise and assist with commencing collection of child and spousal support, instruct client on commencing DCS collection or serve wage withholding order on employer if DCS is not being used 🞎 Return or properly dispose of confidential documents |                         |                         |
| **Appeal** 🞎 Execute fee agreement/ replenish retainer for appeal 🞎 Docket deadline for filing Notice of Appeal 🞎 Cost bond 🞎 Consider supersedeas bond 🞎 Motions for stay 🞎 Temporary orders pending appeal 🞎 Cross-appeal 🞎 Transcript 🞎 Filing of brief 🞎 Filing of response brief 🞎 Filing of reply brief 🞎 Docket oral argument |              |              |
| **Closing** 🞎 Send closing letter to client (as soon as possible after judge signs judgment) 🞎 Enclose copy of judgment and property settlement agreement 🞎 Advise client of date judgment becomes final and significance of that date 🞎 Suggest that a new estate plan be made 🞎 Remind client to remove ex-spouse as beneficiary of any asset (life insurance, pension, IRA, 401K plan) 🞎 Remind client to negotiate any remaining documents to effect change of title(s) 🞎 Refer client to DCS website for enforcement and collection  🞎 Advise client to seek legal advice regarding modification of judgment or questions about enforcement 🞎 Explain how support payments not made are reduced to judgment and procedure for renewing them 🞎 Remind client of deadlines in judgment including any lump sum judgments or judgment on sale of real property at some future date 🞎 Advise if you are recording deed(s) in another county (and do it) 🞎 Explain effect of sending a certified copy of judgment to life insurance company if spouse is to maintain policy for benefit of client or minor child(ren) (ORS 107.820(6)) and set out whose responsibility it is to send the certified copy 🞎 Advise client of right to continue group health insurance coverage and/or conversion under ORS 743.610 🞎 Advise client on co-habitation or prenuptial agreements 🞎 Obtain written permission from client to destroy file after a certain date 🞎 Have a closing conference with client to return original documents and review remaining fees 🞎 Define the scope of your post-judgment involvement in the case and the meaning of your withdrawal as attorney of record |                     |                     |

**IMPORTANT NOTICES**

This material is provided for informational purposes only and does not establish, report, or create the standard of care for attorneys in Oregon, nor does it represent a complete analysis of the topics presented. Readers should conduct their own appropriate legal research. The information presented does not represent legal advice.  This information may not be republished, sold, or used in any other form without the written consent of the Oregon State Bar Professional Liability Fund, except that permission is granted for Oregon lawyers to use and modify these materials for use in their own practices.  © 2023 OSB Professional Liability Fund