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The Exit Interview

MARK A. CHINN

Excerpts of this Article have been taken from previously published material on this subject by Mark A. Chinn, in Herman, Gregg, *101+Practical Solutions for the Family Lawyer*, p. 539, (Chicago: American Bar Association, Family Law Division, 2003). In addition, excerpts are taken from the book, authored by Mark A. Chinn, *How To Build and Manage a Family Law Practice* published in 2006 by the Family Law and Law Practice Management Sections of the American Bar Association which may be ordered from www.ababooks.org.

When you finish your service for the client, what happens? Do you mail a copy of the divorce order and agreement with a letter saying, "Enclosed please find....?" If you do, you are probably like 99 percent of the lawyers. In the lawyer's mind the work is over and nothing more needs be done. And that is true. But, to the client, much more is happening. The client is receiving in the mail the most important legal document of their life. And it signals the end of one life and the beginning of another. It is also the end of the relationship with the lawyer who steered them through the crises. Such an important event should be attended by an appropriate ceremony. Our firm calls this ceremony, the "Exit Interview."

I got the ideas for the exit interview from two primary sources. The first was from my first boss and mentor who cautioned me to always "tie a bow around" the package of your legal service by delivering the product in person. This meant that the client should be handed the divorce decree or other legal document in person. This was also a time to let the clients know what a good job the lawyer had done for them, since clients often do not understand what the lawyer does. The second source was a local realtor who sends her clients a bouquet of flowers when they take occupancy of their new

house. This bouquet not only creates a celebration for the customer, it cements the image in the mind of the home buyer that the realtor is someone special who facilitated the new home life.

THE FOUR PARTS OF THE EXIT INTERVIEW

Review of The Work and the Obstacles Overcome

Sit down with the client and talk about the experience that both of you have been through. Go back to the first interview and review where the client was at the time, what was bothering them and what they wanted to accomplish. Go back over the difficulties and how they were overcome and implant in the client's mind the value of your work. This is good for both the client and the lawyer. Both need to feel that something has been accomplished. The lawyer should leave the lasting last impression that the client was smart to have hired the lawyer.

Clients also need to feel good about themselves. Many times I will conclude the first part of the

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exit interview by saying, "You know, I want to tell you something: I am proud of you. You handled a very difficult situation and you never let anger get the best of you. You never retaliated to your husband's dirty tricks. You handled your divorce with class." Or, "I know you did not want a divorce and I know you are probably feeling like a fool for trying so hard to save your marriage, all to no avail. But, I want to tell you that you should never second guess yourself for doing everything you could to save your marriage. I am proud of you."

Review the Final Result

The second part of the interview is a discussion of the elements of the Agreement or Order. Go through the agreement and talk about the various provisions. Discuss what they mean. Discuss what the settlement talks were and how you tried to get a more beneficial provision but just could not get the other side to go for it. Discuss how you might have advised the client that a certain part of the agreement was not a good idea, but they elected to do it anyway. For example, I advised you that you did not have to pay this much alimony, but you elected to do it anyway, saying that you wanted to make sure the mother of your children had enough to live on. You did not have to do that, but I salute you for that and things may work out best for you in the future because of your generosity. This type of discussion cements in the client's mind the give and take of the negotiations and gives them a realistic remembrance of how things went.

Advice and Warnings for the Future

The third part of the exit interview is the "advice and warnings section". In this section, the client is advised as to how the order may be enforced or modified, what to do and not to do, when to come back for advice, and how to protect himself.

Celebration

The final part of the exit interview is the *celebration and farewell*. Take time to celebrate with the clients their accomplishments and their new life. Say something like, "I know nobody wants to divorce, but we must view all adversity in our lives as an opportunity. Take this event as an opportunity to become the architect of the future you have dreamed of."

Conclude the celebration with a gift. Champagne is a symbol of new beginnings and celebration, so it

is an appropriate gift. When giving the champagne, say, "Accept this champagne as a token of our appreciation for you and get together a couple of your friends tonight and pop the cork to celebrate your new life!" Another gift we have used is ceramics. A local potter makes three inch tall birds that are painted many colors. When I hand one of these birds to the client, I say, "Here is a gift from our firm to you. The lady who makes these birds says people buy them because they make them happy. So, put this bird in a place where you will see it every day and will be reminded to be happy."

At the conclusion of the interview, invite your entire staff to come and share in the celebration and express good wishes to the client. This makes everyone feel great. Clients leave with the impression that they are not just people who paid a fee for legal service, but important people who have been served by people who care about them.

For some clients, we expand the idea. One particular client went through pure hell with his case. But he never complained and gave us all the resources to do a good job for him. At his exit interview, we threw a surprise party for him after the exit interview, inviting several of his close friends. Recently, we concluded a long and expensive battle for an oil man who likes to smoke cigars. Again, this client went through hell, but never took his pain out on us. We presented him with two bottles of fine Champagne and a set of fine Cuban cigars. We called all of the staff in and popped the cork on the one bottle of Champagne and had a brief firm party with him.

THE EXIT CHECKLIST

To make sure all important matters are covered in the exit interview, use a checklist like the one that accompanies this article. This checklist will help you explain the Order and the cautions and advice for the future. Give a copy of this checklist to the client for future reference. This will help the client navigate the future. It will also help the lawyer later when the client calls and tries to complain they were not warned about something when they had been.

Exit Interview Letter

Some clients either cannot or will not come in for an exit interview. For those clients, devise a closing or exit letter which covers everything in the personal interview. This will ensure that no client is left without the benefit of explanation, advice and warnings.

Charging for the Interview

Charge or not to charge, that is the question. On the one hand, you might elect not to charge because the client has paid for the work and may not be in the mood to be charged any more due to the fact that they have what they need. In addition, you might elect to forego charges as an element of customer service, particularly where a client has paid a high fee for the service. On the other hand, the exit interview is very important. It is not hard to justify charging for this conference by saying, "This conference is very important to your case, as we will explain the terms of the order and will give you important advice and warnings which will protect you in the future. It will only take a few minutes and we recommend you do it." The choice on charging should probably vary depending upon the client.

CHECK LIST

Post Divorce exit Interview and Warnings

MODIFICATION

Pertains to all but a lump sum. It can be obtained where there has been a substantial change in circumstances, such as the following:

- Increase or decrease in either party's earnings or wealth.
- Increase in either party's expenses.
- Increase or decrease in needs of children.

Warnings:

1. Do not act contrary to the decree without consulting Chinn & Associates
2. Do not wait if there is a change in circumstances. Contact Chinn & Associates *immediately*.
3. Check with Chinn & Associates at least once a year to make sure you are not entitled to a modification.

CONTEMPT

Failure to comply with the decree is punishable by confinement in jail. Failure to pay child support or alimony or to perform other obligations can result in contempt and possible confinement.

Warnings:

1. If you owe child support and cannot pay, contact Chinn & Associates *immediately*.
2. If you are owed support, wait about ten (10) days and consult with Chinn & Associates about a course of action.
3. Do not retaliate against the other party for their contempt (e.g., withholding visitation to non-supporting father). Your own failure to comply with the decree may prevent you from seeking to enforce it.

ALIMONY

Alimony is terminable upon remarriage or death, or, on other circumstances stated.

Warnings:

1. Consult with Chinn & Associates if an event terminating alimony has occurred or is about to occur.
2. Alimony may be terminable if the receiver engages in "immoral conduct." Consult with Chinn & Associates before beginning any "serious" relationship.
3. Monthly alimony is "deductible" to the payer and "includable" in the receiver's income. Consult your accountant.

CHILD SUPPORT

Child support lasts until each child reaches majority, which is twenty-one (21) or becomes emancipated (married or self supporting) or otherwise self supporting. Support can be modified by either party for a substantial change in circumstances.

Warnings:

1. If you can't pay it, contact Chinn & Associates *immediately*.
2. If you are not receiving it, wait about ten (10) days and consult with Chinn & Associates.
3. If there is any change in circumstances, consult with Chinn & Associates.

4. If either party wishes to do something different from the decree, *do not do it* without consulting Chinn & Associates.
5. Consult with Chinn & Associates once each year.

MEDICAL BILLS

The best way to handle payment of medical bills is for the person obtaining the service to send the bill to the other person with an enclosure letter, keeping a copy. The courts will view thirty days as a reasonable time to reimburse. Extraordinary, non-emergency expenses should not be incurred without prior notification to the other parent. Orthodontic expenses should *never* be reimbursed or incurred without *prior* consultation with Chinn & Associates. Documentation of medical expenses is essential to obtaining reimbursement. In court, the person seeking reimbursement will have to *prove* they submitted the bill to the other party before the court will hold them accountable for failure to reimburse.

Warning:

Tell client about COBRA enrollment limitations.

CUSTODY

Can be modified if there is a substantial change in circumstances. Although many factors are important, the key inquiry is what is best for the children. The law is that a child who reaches the age of twelve (12) has a say in custody but the overall best interest of the child is still the key inquiry.

Warnings:

1. Consult with Chinn & Associates as any child reaches the age of twelve (12).
2. Consult with Chinn & Associates if your spouse moves.
3. Consult with Chinn & Associates once a year.

VISITATION

This is an area which causes trouble. Adhere to the letter and "spirit" of the Decree. Try to cooperate. The courts expect healthy cooperative visitations.

Warnings:

1. When you have a question, consult the Decree and try to do right.

2. Consult Chinn & Associates if problems arise.
3. Do not withhold visitation in retaliation.
4. Consult with Chinn & Associates if you think visitation may constitute a danger to the children.

MOVING

The Court requires each party to advise the other of changes of address or phone number. Moving by either party may constitute a change in circumstance.

Warnings: Advise Chinn & Associates immediately if either party plans to move.

CREDIT CARDS AND OTHER DEBTS

AUTO TITLES

Warning! If title is changed to your name, please visit the tax assessors office immediately to transfer the tag to your name to avoid penalty.

BANK ACCOUNTS

Do any need to be closed or name changed?

INSURANCE POLICIES, ETC.

Beneficiaries should be changed on insurance policies and pension funds, etc.

HEALTH INSURANCE

1. Claim Forms
2. Card
3. Pre-certification
4. Cobra - Warn about deadlines for election

TAX RETURNS

1. Child support is *not* includable nor taxable.
2. Monthly alimony is includable and taxable.
3. Lump Sum distributions are *not* includable or taxable.
4. Dependent tax exemptions. Custodial parent gets the exemption unless waived or otherwise specified in the return.

5. Part or all of Attorney fees may be deductible.
6. Send the IRS a change of address.
7. You may be eligible to file as "Head of Household" for tax purposes. Review the attached information and consult with your tax preparer.

Warnings:

Check with an accountant now and obtain advice now about tax issues.

RETURN OF CLIENT DOCUMENTS

LIST ALL DOCUMENTS RETURNED TO CLIENT

FILE DESTRUCTION

Part or the entire file may be destroyed at any time for storage purposes.

THANK WITNESSES AND OTHER SUPPORTERS

DOCUMENTATION

Try to document what you and your former spouse do. Keep a diary or log of things. Confirm arrangements in writing and keep a copy. If you are making payments, get documentation. Use a check or get a receipt.

OTHER PROBLEMS

Chinn and Associates handle a wide variety of problems and cases. If any legal question arises, such as an auto accident, on the job injury, contract issue, business formation, loan closing, or any other problem, call Chinn and Associates for assistance or proper referral.

DIVORCE BOOKS

Below are some books for men, women and children who are going through the divorce process:

- *Crazy Time, Surviving Divorce*, By Abigail Trafford
- *Coping: A Survival Manual for Women Alone*, By Martha Yates
- *Women in Transition*, By Carolyn Kott Washburne
- *Part-Time Father*, By Edith Atkin and Estelle Ruben
- *The Boys and Girls Book About Divorce*, By Richard A. Gardner, M.D.
- *The American Way of Divorce: Prescription for Change*, By Sheila Kessler, Ph.D.
- *The Courage to Divorce*, By Susan Gettlemen and Janet Markowitz
- *Creative Divorce*, By Mel Krantzler
- *Dear Dad...*, By Lee Shapiro, J.D.
- *101 Ways To Be A Long-Distance Super-Dad*, By George Newman