

Experiential Module 2:

After the client interview, drafting the Petition for Divorce

Course: Civil Law of Persons

Professor Monica Hof Wallace

October 7, 2014

2:00 to 3:15 p.m.

Contents: This Experience 2 packet contains the following:

1. Memo from the Senior Partner
2. Resource Page

Your Task

Your assignment is to draft a Petition for Divorce based on the facts gathered from the client interview. You represent Mrs. Zara Lang Smith who is seeking a divorce. You must also ensure the Petition has all accompanying documents, such as affidavits or forms necessary including but not limited to forms needed for perfecting service upon Mr. Alfred Matthew Smith. Also, do not forget to prepare an Order for the Judge to sign to set for hearing on November 4 the issue of child custody.

Due date: Tuesday, October 7th

Objectives

- To learn how to draft a petition.
- To understand how strategy affects the drafting of a petition.

Evaluation and Grading

This experience will be worth 20% of your grade and you will be evaluated on the form (14 points) and content (36 points) of your petition. You will be expected to use the Louisiana Code of Civil Procedure and any local rules that apply to draft the petition. On the date the petition is due, you must bring two copies of the petition: one will be turned in to Professor Wallace and you will use the other copy to make notes during the presentation by the practitioners.

Collaboration Rules

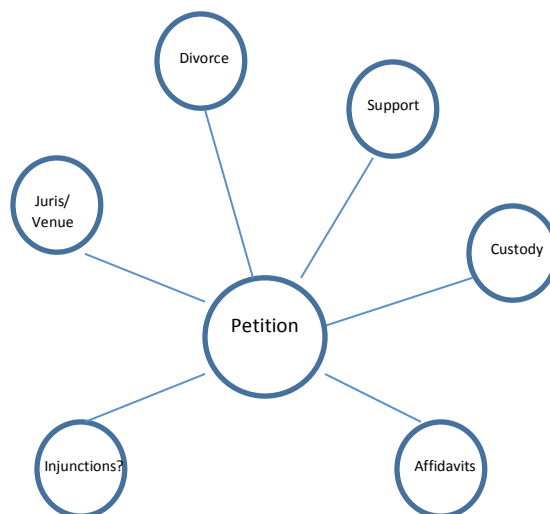
Because this is a graded assignment, you must work **on your own** on this assignment. Do not consult with an outside practitioner (i.e. lawyers, judges, family members who are attorneys). A violation of the collaboration rules is a breach in the honor code policy. Please exercise diligence in maintaining strict adherence to the policy. If you have any questions, please see Professor Wallace.

To: Associate Attorney
From: Senior Partner Alex Hoffman
Re: Smith v. Smith
Date: September 23, 2014

Great job on interviewing Zara! Because you did such a thorough job on asking factual questions during the interview and she clearly is seeking our help to file a divorce, I think we need to proceed on filing a Petition for Divorce and any other necessary documents that we should attach to the Petition. I know this is your first experience drafting a Petition for Divorce, so I have attached a list of resources I would highly recommend you consult before you begin drafting.

Although there are several examples of petitions you will likely find online, remember, we are attorneys who craft our legal documents to meet our specific needs. At all times, remember the client interview. Try to craft the petition with our client in mind. What are her concerns? What language will you use to help protect her interests? What provisions would help her and the children?

As a tip, I personally like to brainstorm before I begin drafting any document. I know this may sound odd, but I like to brainstorm using a non-linear format. For example, the “circle or spoke and wheel method” is great to use where you brainstorm by topic. I sketched out a quick example below, just as a start.



Once you brainstorm, next think about the logical flow of how to draft the petition. Many of the resources will provide examples of petitions for divorce. Please know there is more than one correct way to draft a petition.

Don't forget in practice there are many forms necessary to attach to the petition. You are responsible for sorting through such forms and including. Do not forget to draft an order for the court to sign. We would like a hearing date of November 4, 2014.

Good luck!

Resource Page

- Kerry Triche, **Handbook on Louisiana Family Law** - copies on reserve in the library and one copy at the reference desk
- Cheryl P. Buchert, **Family Law Chapter in Volume One of Louisiana Civil Practice Forms** published by Thomson-West – on reserve in the library
- Robert Lowe, **Louisiana Divorce Practice** – copies on reserve in the library and one copy at the reference desk