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To:

From: Gregory R. Barison

date:

REQUEST FOR CONFIDENTIAL NARRATIVE

Section 34 of Massachusetts General Laws Chapter 208, controls the division of marital property and the awarding of alimony in a divorce case.

The trial judge has a great deal of discretion in crafting a judgment, so great that an appellate court will overtone his or her decision (or a portion thereof) only if it is "clearly erroneous," or constitutes an "abuse of discretion."

A trial judge must make written findings to show that he or she considered the Section 34 factors, sufficient to justify the final decision.

This requirement serves a dual purpose: it gives the litigants the benefit of the judge's reasoning (as opposed to a bald result), and it discourages appeals, because it demonstrates that the judge's discretion was exercised after a careful analysis of the statutory factors.

The Section 34 factors provide us, then, with a **blueprint for our trial and negotiating positions**. That is, we must discover, develop and present favorable evidence on each of

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these factors so as to promote a favorable decision.

Therefore, I am asking you for a **Confidential Narrative**, a history of your marriage, with special attention to the Section 34 factors, which are:

- the length of the marriage,**
- the conduct of the parties during the marriage (good and bad, moral & economic),**
- the age of the parties,**
- the health of the parties (with attention to any special needs or limitations on employability),**
- the station in life of the parties during their marriage (vacations, luxury automobiles, frequency of dining out, gifts made by one to the other)**
- the occupation(s) of each party,**
- the amount and sources of income for each party (work, investments, inheritances, etc.),**
- the vocational skills & employability of each party,**
- the estate (all property owned individually or jointly, "whenever and however acquired"),**
- the liabilities and needs of each of the parties,**
- the opportunity of each for future acquisition of capital assets and income (post divorce, will each party be able to purchase a home or condo &/or build up some savings, or have to live "hand to mouth"?)**
- the contribution of each of the parties in the acquisition, preservation or appreciation in value of their respective estates, and**

the contribution of each of the parties as a homemaker to the family unit.

It may be painful, I realize, to have to go over the details of a failed marriage. Please understand that the above-listed topics are set out by Massachusetts law as being the

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ones that the judge has to hear about and discuss in his or her decision, so this assignment is vitally necessary to presenting our case as thoroughly and persuasively as possible.

Your **Confidential Narrative** is for my eyes only, so please provide me with both positive and negative (if any) aspects of each factor, as it applies to both you and your spouse.

As always, do not hesitate to contact me if I can be of any assistance to you in this first step towards preparing and presenting a powerful and compelling case on your behalf.

Very truly yours,

/s/ Gregory R. Barison

Gregory R. Barison

GRB:ssd