

WESTON PATRICK

A PROFESSIONAL ASSOCIATION SINCE 1897*
84 STATE STREET
BOSTON, MASSACHUSETTS 02109-2299
(617) 742-9310
FACSIMILE (617) 742-5734
www.WestonPatrick.com

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C. PETER R. GOSSELS
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To:

From: Gregory R. Barison

date:

PREPARING TO TESTIFY AT YOUR DIVORCE TRIAL

Dear _____,

Thank you again for hiring me to represent you in your divorce. I pledge my best efforts on your behalf.

Although most divorce cases settle, my philosophy is to begin preparing, from Day One, to go all the way. If you are prepared for trial, you can negotiate a settlement from a position of strength!

As I have shared with you in the past, the two most important witnesses in a divorce case are the parties themselves.

I begin working on my cross-examination of your spouse from Day One, and want to start, right now, on getting you to think about your testimony, should we have to go all the way to trial.

If it becomes clear that the case will go all the way to trial, we will begin to have several practice "Q & A" sessions with you.

Therefore, I have again listed below the "Section 34" factors on which the court must make findings, which, in turn, means that these are the factors on which we must offer evidence in the first place.

I have already asked you to work on a Confidential Narrative, which dovetails with our current task of preparing you to testify at your divorce trial, in case a settlement is not reached.

The questions I will pose to you when you are on the stand (after introductory matters are covered) will address the following:

- 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.

Again, let's start right away on trial preparation, so you get more and more comfortable with it and more and more willing to fight all the way through trial if necessary to protect your interests.

We want your testimony not to be scripted and memorized, but fresh and compelling.

As always, please do not hesitate to contact me if you have any questions or concerns, or if I can be of any further assistance.

I am confident that, if necessary, we shall put on a powerful case for the judge.

Very truly yours,

/s/ Gregory R. Barison

Gregory R. Barison

GRB:ssd