



## **5 THINGS YOU NEED TO DO TO PREPARE FOR A MODIFICATION**

### **COURT REPORTER: THE EXPENSE YOU CAN'T AFFORD TO SKIP**

**1.** If there is no court reporter, there is no record of what the judge said. Chances are, you cannot appeal a "bad ruling" without this record because the order itself will not be enough.

Judges sometimes can be less formal and more relaxed about certain procedures in family law cases. This can help in some cases. However, if you are representing yourself, it may be frustrating and confusing and it may feel as if the judge is favoring the other side because he/she knows the other party's lawyer.

If you're seeking a modification, chances are that money is tight. But there are things you cannot afford not to have: A court reporter is one of them.



### **2. WELL-DRAFTED PLEADING – WELL-PAID LEGAL FEE**



In a modification, you have to prove certain elements of your case. That proof starts with the filing of a petition. A well--drafted petition can make the difference between a modification being granted and denied. It's not about telling *your* story; it's about laying out the facts in such a way that you show *each and every* element of your case. It has to be organized, have enough detail to explain why you have met each element, but not too much detail that the reader misses the point. Knowing how to write a petition makes a big difference.

Although most jurisdictions in Florida have forms for this, it's not a good idea to do it yourself. Even if you can't hire a lawyer to represent you in a modification, you should, at the very least, hire someone to draft the petition.

Florida courts allow for limited representation, which means that you can hire a lawyer to help you with certain aspects of a case. This is not recommended in modification actions, but there are situations where a person cannot afford to pay legal fees for the entire case. If you have to pick and choose your legal services, this is one you need to pick.

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### **3. TELL YOUR STORY EFFICIENTLY**

Everyone wants to tell his or her story. But there are only parts of the story that a judge can hear, or has time to hear. The court system has more family law cases than it can handle, especially modifications. It is important that a judge know some of the background facts, but not your entire life story.

### **4. ESTABLISH THE ELEMENTS OF YOUR CASE: FACTS THAT MATTER**

You need to know the elements of a modification and tell the judge *only* the facts that apply to those elements. If you filed for modification, the burden is on you to prove that the judge should grant a modification. There are certain things you need to prove and you need to prove each and every one of those things.

### **5. FINANCIAL PROOF -- DOCUMENTS AND EXPERTS**



It is not enough to state that you are earning less money: You need to prove it. For a business owner, this is a tricky step and nearly impossible to pull off on your own. Most business owners (or judges) do not understand business income well enough and have not thoroughly analyzed the business well enough to prove how much is being earned.

No business owner should go to court for a modification without an accountant who has a good understanding of the business. Whether it's the accountant who has prepared business tax returns or a hired expert, a well-prepared accountant who can present the financial side of your case is crucial.

*The hiring of a lawyer is an important decision that should not be based solely up on advertisements. Before you decide, ask us to send you free written information about our qualifications and experience.*

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