SMITH & WILLIAMS

# CIVIL LITIGATION & DISPUTES CONSULTATION FORM

Whether you want to bring a claim, have been sued, or are trying to resolve a dispute before it reaches court, this form helps us understand what happened, who is involved, and what deadlines may apply. The more detail you give us, the more useful your consultation will be.

## How to complete this form

- Type directly into this form, or print it and write by hand. Some PDF viewers do not keep typed entries. After saving, close and reopen the file to make sure your answers were saved.
- Answer what you can. If a question does not apply or you are unsure, leave it blank or write a note. We will go over everything at your consultation.
- **Do not** include Social Security numbers, bank account numbers, or passwords. Credit card information goes only in the payment authorization section near the end of this form.
- Because this form includes payment information, please return it through your secure MyCase client portal or in person at our office, not by email. Gather the documents listed near the end of this form and bring copies to your consultation.

## Which sections apply to you?

| IF THIS DESCRIBES YOU | COMPLETE |
|---|---|
| Everyone | **Sections 1 to 6 and 9 to 13** |
| A lawsuit, arbitration, eviction, or other case has already been filed, or you received court papers | **Also complete Section 7** |
| You are owed money or property, or someone owes you a judgment | **Also complete Section 8** |

> **Time-sensitive:** If you were served with a summons in a Florida state court case, you usually have only 20 days to respond. Eviction cases are even faster, usually 5 business days. Missing a deadline can result in a default judgment against you. Please contact us right away.

> **Your privacy:** Your answers are confidential. Florida law protects information you share with us as a prospective client, even if you decide not to hire us.

FOR OFFICE USE ONLY

| DATE RECEIVED | ATTORNEY | CONFLICT CHECK (DATE/INITIALS) | CONSULT DATE |
|---|---|---|---|
| | | | |

## SECTION 1 ABOUT YOU

*Tell us about the person completing this form.*

FULL LEGAL NAME

OTHER NAMES USED (MAIDEN, FORMER, NICKNAME)

PREFERRED LANGUAGE

OCCUPATION

HOME STREET ADDRESS

CITY

COUNTY

STATE

ZIP

MOBILE PHONE

OTHER PHONE

PERSONAL EMAIL

Best way to reach you (check all that apply) ☐ Call ☐ Text ☐ Email

May we leave a detailed message at the numbers above? ◯ Yes ◯ No

Are you contacting us on behalf of a business or organization? ◯ Yes ◯ No

BUSINESS OR ORGANIZATION NAME

YOUR TITLE OR ROLE

Will you need an interpreter or other accommodations for meetings? (for example, large-print documents or a virtual meeting) ◯ Yes ◯ No

*If yes, please describe (include the language if you need an interpreter).*

HOW DID YOU HEAR ABOUT US? (REFERRAL SOURCE)

Have you spoken with or hired another attorney about this matter? ◯ Yes ◯ No

*If yes, who, and is that attorney still involved?*

## SECTION 2 YOUR ROLE IN THIS MATTER

Which best describes you? (choose one)

- ◯ I want to bring a claim or file a lawsuit
- ◯ I received a demand letter or a threat of a lawsuit
- ◯ I received a subpoena or was asked to be a witness
- ◯ I want to appeal a decision
- ◯ I have been sued or served with court papers
- ◯ I am in a dispute that has not gone to court yet
- ◯ I won a judgment and need to collect it
- ◯ Other

Is anything happening right now that could cause immediate harm? (for example, property being sold or moved, a lockout, a foreclosure sale, or evidence being destroyed) ◯ Yes ◯ No

*If yes, please describe and include dates.*

## SECTION 3 TYPE OF MATTER

Check all that apply:

- ☐ Breach of contract or business dispute
- ☐ Civil theft or conversion (property taken)
- ☐ Real estate or title dispute
- ☐ Residential landlord and tenant
- ☐ Contractor or construction dispute
- ☐ Debt collection (collecting or defending)
- ☐ Homeowners or condo association
- ☐ Defamation (libel or slander)
- ☐ Trust or estate dispute
- ☐ Personal injury
- ☐ Fraud or misrepresentation
- ☐ Recovering property (replevin)
- ☐ Partition (co-owners who disagree about property)
- ☐ Commercial landlord and tenant
- ☐ Consumer or deceptive business practices
- ☐ Insurance claim denied or underpaid
- ☐ Property damage
- ☐ Family dispute over money or property
- ☐ Injunction (stopping someone from doing something)
- ☐ Other

*We may refer some matters, such as personal injury, to trusted colleagues. We will let you know at your consultation.*

## SECTION 4 THE OTHER SIDE

*We check every name for conflicts of interest before your consultation. List every person and business on the other side, anyone else involved, and their attorneys.*

| Full name of person or business | Role (opposing party, co-owner, family, etc.) | City & state | Their attorney (if known) |
|---|---|---|---|
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**HOW DO YOU KNOW THE OTHER SIDE? (RELATIONSHIP OR HOW YOU MET)**

Do you know whether the other side has money, property, a business, or insurance that could pay a judgment? ◯ Yes ◯ No

*If yes, what do you know?*

Has anyone on the other side filed for bankruptcy? ◯ Yes ◯ No

*If yes, who, when, and where?*

## SECTION 5 WHAT HAPPENED

**TELL US WHAT HAPPENED, IN ORDER, IN YOUR OWN WORDS. INCLUDE WHAT WAS PROMISED OR EXPECTED, WHAT WENT WRONG, AND WHAT YOU HAVE DONE ABOUT IT SO FAR.**

### Timeline of key events

| Date | What happened | Who was involved |
|---|---|---|
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**WHERE DID THIS HAPPEN? (CITY AND COUNTY)**

**WHEN DID THE PROBLEM START?**

### Witnesses

| Full name | Relationship to you | What do they know? | Phone |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

### Evidence

What evidence do you have? (check all that apply)

- ☐ Written contract or agreement
- ☐ Letters
- ☐ Bank or payment records
- ☐ Audio recordings
- ☐ Emails
- ☐ Photos or videos
- ☐ Estimates or inspection reports
- ☐ Police or incident reports
- ☐ Text messages or chats
- ☐ Receipts and invoices
- ☐ Social media posts
- ☐ Insurance claim papers

**Protect your case:** Florida generally requires the consent of everyone in a private conversation before it is recorded. If you have recordings, tell us how they were made before sharing them with anyone. Do not delete texts, emails, posts, or other records about this matter, and avoid posting about the dispute online.

## SECTION 6 MONEY, DAMAGES & INSURANCE

**AMOUNT OF MONEY AT STAKE**

**HOW DID YOU CALCULATE IT?**

What kind of harm did you suffer? (check all that apply)

- ☐ Money lost or unpaid
- ☐ Property taken or damaged
- ☐ Repair or replacement costs
- ☐ Lost business or income
- ☐ Damage to reputation
- ☐ Other

Do you have insurance that might cover this claim or your defense (homeowners, renters, auto, business, umbrella, or title insurance)? ○ Yes ○ No

*If yes, which company, and have you reported the claim?*

Has the other side made, or have you made, any settlement offer? ○ Yes ○ No

*If yes, who offered what, and when?*

Have you sent or received a demand letter, a notice of default, or a legal notice (for example, a 30-day civil theft demand or a construction defect notice)? ○ Yes ○ No

*If yes, who sent it, when, and what did it ask for?*

## SECTION 7 COURT CASE INFORMATION

*Complete if a lawsuit, arbitration, eviction, small claims, or other case has been filed, or you received court papers.*

Where is the case?

- ○ County court (small claims)
- ○ County court
- ○ Circuit court
- ○ Federal court
- ○ Arbitration
- ○ Another state
- ○ Appellate court
- ○ Not sure

**COUNTY**

**CASE NUMBER**

**JUDGE**

**WHO FILED THE CASE?**

**DATE FILED**

**DATE YOU WERE SERVED**

How were you served?

- ○ Handed to me
- ○ Left with someone at home
- ○ Posted on my door
- ○ By mail or email
- ○ Not served yet
- ○ Not sure

Has anyone filed a response, answer, or motion? ◯ Yes ◯ No

*If yes, who and when?*

Are there upcoming hearings, mediation, or trial dates? ◯ Yes ◯ No

*If yes, list each date and what it is for.*

Has a default or judgment already been entered? ◯ Yes ◯ No

*If yes, the date and amount.*

Did you receive a "proposal for settlement" or "offer of judgment"? ◯ Yes ◯ No

*If yes, the date you received it.*

**Time-sensitive:** A proposal for settlement can shift attorney's fees to the losing side, and it generally must be accepted within 30 days. If you received one, please tell us right away.

## SECTION 8 COLLECTING MONEY OR PROPERTY

*Complete if you are owed money, want property returned, or already have a judgment.*

| AMOUNT OWED | WHAT IT IS FOR | DATE IT WAS DUE |
|---|---|---|
| | | |

Is there a written promise to pay, invoice, or signed contract? ◯ Yes ◯ No

Do you already have a court judgment? ◯ Yes ◯ No

*If yes, court, case number, date, and amount.*

Is specific property being held by someone else (for example, a vehicle, equipment, or personal belongings)? ◯ Yes ◯ No

*If yes, describe the property, its value, and where it is now.*

Has the debtor made any partial payments or acknowledged the debt in writing? ◯ Yes ◯ No

## SECTION 9 YOUR GOALS

What outcome do you want? (check all that apply)

- ☐ Recover money
- ☐ Get property back
- ☐ Stop the other side from doing something
- ☐ Clear title to property
- ☐ Defend myself and pay nothing
- ☐ Settle quickly
- ☐ Reach a payment plan
- ☐ Go to trial if needed
- ☐ Keep costs low
- ☐ Keep the matter private
- ☐ Preserve the relationship
- ☐ Other

Would you be open to mediation or a negotiated settlement? ◯ Yes ◯ No ◯ Maybe

TELL US MORE ABOUT WHAT A GOOD RESULT LOOKS LIKE TO YOU

## SECTION 10 PRIOR LEGAL HELP

Has this dispute been in court before, or have you been in other lawsuits with these parties? ◯ Yes ◯ No

*If yes, please describe.*

## SECTION 11 DOCUMENTS TO GATHER

Please gather copies of the following, if you have them (check what you have):

- ☐ Summons, complaint, or other court papers
- ☐ Demand letters and responses
- ☐ Photos and videos
- ☐ Bank statements or canceled checks
- ☐ Insurance policies and claim letters
- ☐ Prior judgments or orders
- ☐ Contracts, leases, or agreements
- ☐ Emails and text messages (screenshots with dates)
- ☐ Invoices, receipts, and estimates
- ☐ Deeds, titles, or property records
- ☐ Police or incident reports
- ☐ Notes or a diary of events

**Documents:** Keep your originals. Bring copies to your consultation or upload them through your client portal. Please do not throw away, delete, or alter any papers, texts, emails, or social media posts about this matter.

## SECTION 12 FEES & PAYMENT

### Hourly fee agreement

Smith & Williams, PLLC provides civil litigation and dispute resolution services on an **hourly rate** basis. If the firm agrees to represent me (or the business I represent), I understand that:

- I will be billed for all time the attorneys and staff spend on my matter, including meetings, calls, emails, research, drafting, negotiation, travel, and court appearances, at the hourly rates stated in my written engagement agreement.
- I am also responsible for out-of-pocket costs, such as filing and recording fees, service of process, court reporters, mediators, and expert witnesses.
- Fees and costs are owed regardless of the outcome. The firm cannot guarantee any result.
- The firm may require an advance deposit (retainer), which is held in the firm's trust account and applied to invoices. I may be asked to replenish it as it is used.
- If invoices are not paid when due, the firm may stop work or withdraw from my matter as permitted by the Rules Regulating The Florida Bar.

☐ **I have read and understand that this is an hourly rate service, and I accept my obligation to pay the fees and costs described above.**

## Credit card payment authorization

Card type

◯ Visa ◯ Mastercard ◯ American Express ◯ Discover

NAME AS IT APPEARS ON CARD | CARD NUMBER | EXPIRATION (MM/YY)

BILLING STREET ADDRESS

CITY | STATE | ZIP

CARDHOLDER PHONE | EMAIL FOR RECEIPTS

I authorize Smith & Williams, PLLC to charge this card for (check all that apply):

- ☐ Consultation fee
- ☐ Initial retainer deposit
- ☐ Invoices and retainer replenishments as they come due under my engagement agreement

CONSULTATION FEE AMOUNT | RETAINER DEPOSIT AMOUNT

Is the cardholder the client? ◯ Yes ◯ No, someone else is paying

> **Third-party payment:** If someone other than the client pays, the firm still represents only the client. Paying does not give the cardholder any right to direct the matter or to receive the client's confidential information.

I authorize Smith & Williams, PLLC to charge the card above for the items checked. This authorization stays in effect until I revoke it in writing. I agree to contact the firm about any billing question before disputing a charge with my card issuer.

☐ **I am the authorized cardholder, and I approve the charges described above.**

CARDHOLDER SIGNATURE | PRINTED NAME | DATE

## SECTION 13 ADDITIONAL INFORMATION & SIGNATURE

ANYTHING ELSE WE SHOULD KNOW, INCLUDING QUESTIONS FOR YOUR ATTORNEY

### Acknowledgment

By signing below, I confirm that: (1) the information in this form is true and complete to the best of my knowledge; (2) submitting this form or meeting for a consultation does not create an attorney-client relationship, and Smith & Williams, PLLC will represent me only after we both sign a written engagement agreement; (3) until then, the firm is not responsible for any deadline in my matter, and I understand that important legal deadlines may apply; and (4) the firm may rely on this information in evaluating my request. I understand that the information I share will be kept confidential as required by the Rules Regulating The Florida Bar, even if the firm does not represent me.

### Prospective client

| SIGNATURE | PRINTED NAME | TITLE (FOR A BUSINESS) | DATE |
|---|---|---|---|
| | | | |