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Re: CASE EVALUATION

This letter confirms the Early Case Evaluation scheduled for \_\_\_\_\_ at \_\_\_\_\_ at \_\_\_\_\_.

Before I do a Case Evaluation I have found it helpful to review the pleadings (Complaint and Answer/Counterclaim – not any discovery), the Financial Affidavit, Child Support Worksheet (if applicable), and any documentary evidence that you intend to rely on in presenting your case. My experience is that this “education exercise” at the beginning of the Session takes considerably longer than a review by me before we all get there, with your explanations at the Session then filling in the gaps of and clarifying my understanding. My mailing and email addresses and fax number are at the top of this letter. I would appreciate receiving these by this Friday if at all possible.

As to the presentation, I will want to hear “openings” from each side; I would want those to clearly (but BRIEFLY) state what the evidence would show and also what evidence of the other side you believe can be refuted. You may also “blend” this “opening” with a little of “closing argument”, telling me specifically what relief you are requesting. After that (or as a part of that) I may want to ask the parties some questions. If there are witnesses other than the parties, I will hear from them BRIEFLY or accept an Affidavit in lieu of their presence – provided the other side gets a copy of that Affidavit at least 48 hours prior to the Evaluation; also, the other party will be given the BRIEF opportunity to respond to any such Affidavit.

PLEASE NOTE that I have inserted the word “BRIEF” above several times. I do that not with any intent or design to severely restrict your presentation but to emphasize that a Case Evaluation is not designed to be a FULL mini-trial; it is designed to tell me what the claims are and to give me enough information so that I can evaluate the Case and give you my thoughts. In essence, I will be sitting as a one person jury.

Within these parameters, I am flexible as to how we proceed. I encourage you prior to Wednesday to try to reach agreement as to how to proceed; if you cannot, then we will do so first thing Wednesday.

I will want to meet with just the lawyers initially to clarify the procedures for the Session; in that meeting the facts and allegations of the case WILL NOT be discussed so that there is no possibility that the parties are given the impression that the “jury” has been tainted. But for the review of the pleadings and any documentary evidence, I want to learn all I am to know in the presence of the parties. After all is on the table, I will take a break

and consider my evaluation; I will then meet with each side in private to review that evaluation.

I look forward to working with you, if after the Evaluation the parties wish to roll into mediation, and if that is deemed appropriate, then that will be possible.

I charge \$300.00 per hour; unless agreed otherwise, each party is responsible for and should be ready to pay one-half (1/2) of the bill.

Respectfully,

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James E. Holmes, Attorney at Law  
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