

## **CHECKLIST: Documents to Show an Attorney When You Have Been Fired**

You have just been fired from a job and are ready to meet with your attorney to discuss your case. You have reviewed our Intake Form, so you have an idea of what type of questions your attorney may ask you. But what types of documents might your attorney want to see? What should you bring with you to help your attorney prove your case? The following checklist can be used, in conjunction with the Intake Form, to give you an idea of what might be expected from you by your attorney.

\_\_\_\_\_ **Your Employment Contract.** Most employees are considered to be “at-will,” meaning that they have no contract for employment but may be fired for practically any reason or no reason at all by their employer, provided they have not been discriminated against and provided no law has been broken. However, some employees do sign contracts for employment. If you are one of those employees, make sure you have a copy of your employment contract available for your attorney.

\_\_\_\_\_ **Your Employee Handbook.** If you have been given an employee handbook, make sure you keep it so that your attorney can look through it. Many employee handbooks contain provisions governing when and how an employee can be fired. For example, many employers require that an employee be given a series of verbal or written warnings before they are fired for poor performance. In addition, a handbook may on occasion be found to create a binding contract for employment, so it is an important document for your attorney to review. If you ever received updates to the handbook, make sure you give those to your attorney as well.

\_\_\_\_\_ **Your Pay Records From Your Former Employment.** Although you may be able to tell your attorney how much you were making per hour, or per year, at your former job, he or she will need to see actual proof of your earnings. Keep pay records and provide them to your attorney.

\_\_\_\_\_ **Your Pay Records From Your Present Employment, If Any.** If you have found a new job, your attorney will be interested in knowing whether you are working at a wage loss when compared to your former employment. Being able to provide documentation of your present income will help your attorney make this determination. In some cases, if you are terminated and then experience a

wage loss in your new employment, you may be able to recover additional damages from your former employer.

\_\_\_\_\_ **Your Benefit Information.** Chances are, your employer has provided you with at least some written documentation of the benefits that you received through your employment, such as health or dental insurance. If you have information about those benefits, from either your former employer or your present employer (if you have one), bring them to your attorney. The value of the benefits that you received, or are receiving, may be relevant to your case.

\_\_\_\_\_ **Documentation of Your Termination.** If there is a paper trail documenting your termination, your attorney will need to see it. Provide him or her with any termination notice you received, any waivers that you were asked to sign (or did sign), and any other written documents which concern your termination.

\_\_\_\_\_ **Your Personnel File.** If you have a copy of your personnel file from your former employer, provide it to your attorney for review and copying. Your personnel file may contain crucial documents to support your case that your attorney should know about. If you don't have a copy of your file, tell your attorney and he or she can help you obtain one.

\_\_\_\_\_ **Correspondence.** If, since your termination, you have corresponded by mail, facsimile, or e-mail with your employer or any former co-employees, you should provide your attorney with those letters or documents. Your attorney needs to know if all ties have been severed with your former employer or whether there is ongoing communication. If you have spoken by telephone with your former employer or former co-employees, be prepared to tell your attorney about those telephone conversations.

\_\_\_\_\_ **Evidence of Discrimination.** If you feel that you have been terminated because you are a member of a protected class, you may have "evidence" of discrimination that you can provide to your attorney. For example, if you are African-American, and you feel that you were fired by your white employer for posting a map of Africa in your workplace, bring the map with you so that your attorney can see it.

\_\_\_\_\_ **Expenses.** If your termination from employment has caused you to incur new or unexpected expenses, your attorney may want documentation of those expenses. For example, if you had to give back a company car when you were terminated, and were therefore forced to rent or purchase a new car, your attorney will want to know that information. Provide receipts or sales slips. It is possible that your attorney, depending upon the facts of your case and the laws in your area, may be able to recover some of your expenses for you.

\_\_\_\_\_ **Medical Information.** If you feel you were terminated because you have a disability or a medical condition, your attorney will need to know the specifics of

your medical diagnosis, care, and treatment. Provide your attorney with copies of any medical records that you have, or at least be able to provide your attorney with the names and addresses of your medical care providers.

\_\_\_\_\_ **Psychiatric/Psychological Information.** If the emotional effect of your termination has caused you to seek psychiatric or psychological care, your attorney needs to know about it. As with medical records and information, be able to provide copies of your psychiatric or psychological records or the names of your providers.