

Appendix I Sample Client Intake Form and Interview Sheets

I.1 Sample Client Intake Form—Car Purchase

CLIENT INTAKE FORM

BACKGROUND INFORMATION				
Name <input type="checkbox"/> Mr. <input type="checkbox"/> Mrs.		Date		Assigned to
Address		Home Phone ()		Work Phone ()
City	State	Zip	Fax ()	Pager ()
Year	Make	Purchase Date		<input type="checkbox"/> New <input type="checkbox"/> Used <input type="checkbox"/> Used With Mfg. Warranty <input type="checkbox"/> Used With Dealer Warranty <input type="checkbox"/> Used As Is <input type="checkbox"/> Service Contract <input type="checkbox"/> Retail Buy Back
Model		Current Mileage		
Selling Dealer		Servicing Dealer		
Purchase Price With Tax & License		<input type="checkbox"/> Financed With <input type="checkbox"/> Leased With		

MAIN UNRESOLVED PROBLEMS

SUMMARY HISTORY

Mileage at First Repair	No. of Visits	Total Days in Shop	Is the Vehicle Useable Now <input type="checkbox"/> Yes <input type="checkbox"/> No	Demand Refund or Replacement <input type="checkbox"/> Yes <input type="checkbox"/> No
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CONTACTS WITH MANUFACTURER

Verbal	Written
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REFERRED BY

<input type="checkbox"/> Yellow Pages	<input type="checkbox"/> Former Client	DETAIL
<input type="checkbox"/> Attorney	<input type="checkbox"/> Media	

DISPOSITION

Appointment Made
 Client to Mail Docs.
 Declined on Phone
 Referred to Small Claims

I.2 Sample Client Interview Sheet—Car Purchase

Interview Date _____

BUYER

Name _____

Address _____ City _____ State _____ Zip _____

Phone _____ (home) _____ (work)

Fax _____ E-mail _____

Place of Employment _____

Age _____ Education _____ Ability to read English _____ Business experience _____

COBUYER/COSIGNER

Name _____

Address _____ City _____ State _____ Zip _____

Phone _____ (home) _____ (work)

Fax _____ E-mail _____

Place of Employment _____

Age _____ Education _____ Ability to read English _____ Business experience _____

DESCRIPTION OF MOTOR VEHICLE

Year _____ Model _____ VIN found on car _____ New _____ Used _____

Date Purchased: _____ New or Used _____ Mileage: Now _____ When Purchased _____

For what purpose did client purchase car? _____

In whose name is Title? _____

DEALER

Name _____ Address _____

City _____ State _____ Zip _____ Phone _____

Salesperson _____ Bought previous car from this dealer? _____

CREDITOR

Name _____ Address _____

City _____ State _____ Zip _____ Phone _____

Client's description of problems and concerns regarding car: _____

FINANCING

Did the dealer originate financing and assign note to creditor? _____

Did the dealer refer the consumer to a lender? _____

Is the FTC Holder Notice in the credit documents? _____

Did the consumer obtain independent financing
through no assistance of the dealer? _____

Was the car taken as security? _____

Was other security taken? _____

Did the client know what the credit terms would be? _____

Were the credit terms filled in when client signed? _____

Was sale conditional on seller obtaining financing? _____

Did seller obtain financing on the terms originally promised? _____

If a lease, did client originally ask for a lease? _____

If not, how was client switched to a lease? _____

Describe the client's opportunity to read the credit agreement and other documents; were parts of the document covered up? Was the client rushed? Was the client pressured into signing without reading the documents, etc.?

PAYMENTS

Number and amount of payments made _____

Date of last payment _____

Cash down payment _____

Rebate _____

Trade in: Year _____ Model _____ Mileage _____ Value given _____

STATUS

Does client still have car? _____ Where is it? _____

Was the car repossessed or voluntarily returned? When? _____

Describe the repossession and reason for seizure _____

Has the car been sold? For what price? How? Where is it now? _____

Did the client abandon car with dealer or return it as part of a revocation? When? Under what circumstances?

What does the client want? (Check if appropriate):

Cancel Sale _____

Repair _____

Replacement _____

Damages _____

Return for Trade-in _____

Other (describe) _____

How much money does client want back? _____

DESCRIBE SALE

(including: reason for going to that dealer, reason for buying from that dealer, how many trips to the dealer, dates, salespersons, statements, witnesses)

DEALER CLAIMS RE:

	presale	postsale
Car size, other specifications	_____	_____
Model or year	_____	_____
Previous use or ownership	_____	_____
Quality or condition	_____	_____
New	_____	_____
Excellent condition	_____	_____
Good Condition	_____	_____
Comparable Value	_____	_____
Gas mileage	_____	_____
Reliability	_____	_____
Comfort	_____	_____
Safety	_____	_____
Prior repairs, maintenance	_____	_____
Prior damage	_____	_____

Previous owner satisfaction _____

Seller will secure a valid inspection sticker for vehicle _____

Seller will inspect vehicle some time after delivery _____

Accessories to be supplied _____

Seller promise to perform maintenance or repairs _____

Seller will deliver title or other documents _____

Car's future performance _____

Claims re: extended warranty or service contract _____

Claim re: financing _____

Ability to help buyer improve credit _____

Other _____

In what language was sale conducted? _____

In what language are the sales documents? _____

CLIENT'S PARTICULAR NEEDS

Need?	Need described to seller?	When?	Seller response?
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Reliable car _____

Safe car _____

Inexpensive car _____

Financial circumstances _____

Other _____

INSPECTION

Opportunity to inspect the car prior to sale? Y ____ N ____

Did dealer ask client to inspect car? Y ____ N ____

Did you inspect the car? Y ____ N ____

(If yes, describe inspection): _____

(If no, why not?): _____

Opportunity to drive the car prior to sale? Y ____ N ____

Did you drive the car: Y ____ N ____

(If yes, describe drive): _____

(If no, why not?): _____

Describe anything you noticed in inspecting or driving the car that caused concern, suggested problems, etc.: _____

If you asked the salesperson about it, what was the salesperson's response? _____

CONDITION OF CAR

List all <u>current</u> defects	Date Appeared	Notified dealer or manufacturer? When and how?
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1. _____

2. _____

3. _____

4. _____

5. _____

List all <u>repaired</u> defects	Date Repaired	Notified dealer or manufacturer? When and how?
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

Periods car unusable due to defects:

Periods car was in repair shop:

From _____ to _____

From _____ to _____

From _____ to _____

From _____ to _____

From _____ to _____

From _____ to _____

CURE ATTEMPTS

Opportunities given to dealer to cure defects:

Defect _____ Date(s) _____

Defect _____ Date(s) _____

Defect _____ Date(s) _____

Defect _____ Date(s) _____

Offers by dealer to cure defects:

Defect _____ Date(s) _____

Defect _____ Date(s) _____

Defect _____ Date(s) _____

ATTEMPTS TO CANCEL SALE

Date	What client did/said	Dealer's Response
_____	_____	_____
_____	_____	_____

OTHER CONTACTS WITH DEALER OR MANUFACTURER

Date	Who	Substance
_____	_____	_____
_____	_____	_____
_____	_____	_____

DAMAGES

If buyer is canceling:

Purchase Price (including trade-in allowance) _____

Cost of Cover
 Substitute transportation _____
 Other costs of cover _____

Cost of holding goods for seller
 Inspection costs _____
 Storage _____
 Other _____

Subtotal _____

Minus offset for buyer's use, if appropriate: _____

Net _____

Consequential Damages
 Unreimbursed repair costs _____
 Unreimbursed towing costs _____
 Lost wages _____
 Property damage _____
 Substitute Transportation (unless recovered as cost of cover) _____
 Other _____

Subtotal _____

Emotional Harm

(Aggravation, inconvenience, loss of use of the goods, mental distress, discomfort, anxiety, depression, and pain and suffering)

Describe: _____

TOTAL

If buyer is not canceling:

Direct damages (cost of repairs or difference between value of car as warranted and actual value of car)

Incidental Damages

Finance charges

Insurance

Sales tax

Registration and license fee

Credit insurance

Down payment

Trade-in

Extended Warranty or service contract

Cash

Other

TOTAL

DOCUMENT CHECKLIST

_____ Advertisements, Brochures and Other Promotional Materials

_____ Payment Receipts, Canceled Checks, Money Order Receipts

_____ Warranty

_____ Owner's Manual

_____ Purchase Order

_____ Bill of Sale

_____ Title Documents

_____ FTC Buyer's Guide (if used car)

_____ Application for Title/Registration

_____ Credit Application

_____ Retail Installment Sales Contract/Loan Agreement

_____ Trade-In Documents

_____ Tax Receipt

_____ Odometer Statement

_____ Other Documents Provided at Time of Sale

_____ Repair Records

_____ Correspondence Between Dealer or Lender and Client (including phone notes)

_____ Recall Notices

_____ Business Cards

WITNESSES

Name	Phone	Event Witnessed
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Has the vehicle been inspected?

When	By Whom	Phone	Findings
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Has client checked title history? Yes_____ No_____

Details: _____

INFORMATION FROM DOCUMENTS

Contract date_____ VIN#_____ Mileage on Odometer Statement_____

Prior Owner's Name_____ Address_____

City_____ State_____ Zip_____ Phone _____

Book value of car purchased _____

Book value of trade-in _____

CHECKLIST OF WARRANTIES PROVIDED

Dealer Warranties:

- Express Warranties _____
- Magnuson-Moss Written Warranty _____
- Implied Warranty of Merchantability _____
- Implied Warranty of Particular Purpose _____
- Service Contract/Extended Warranty _____

Manufacturer Warranties:

- Express Warranties _____
- Magnuson-Moss Written Warranty _____
- Implied Warranty of Merchantability _____
- Implied Warranty of Particular Purpose _____
- Service Contract/Extended Warranty _____

Warranty Disclaimers?

- In the Contract Y___ N___
- In the Purchase Order Y___ N___
- In the Bill of Sale Y___ N___
- In the Buyers Guide Y___ N___
- Other _____ Y___ N___

Other Contractual Limitations on Client's Rights?

- Merger/Integration Clause Y___ N___
- Limitation of Remedies Y___ N___

Dispute Resolution Mechanism?

- Is there one? Y___ N___
- Does it qualify for Magnuson-Moss? Y___ N___
- Does it qualify for lemon law? Y___ N___
- Does contract have binding arbitration clause? Y___ N___

INFORMATION ABOUT BUYER

Buyer's educational level: _____

Does buyer have any experience in car buying, car mechanical or body work, or in any other aspect of the car business? Yes____ No____ If yes, give details: _____

Has buyer ever been involved in a lawsuit before? Yes____ No____ If yes, give details: _____

Has buyer ever been convicted or pleaded guilty to a crime? Yes____ No____ If yes, give details: _____

Has buyer consulted with any other attorney about this matter? Yes____ No____ If yes, what attorney? _____

Is there any agreement between the buyer and that attorney? Yes____ No____ If yes, give details: _____

EVALUATE/DISCUSS WITH CLIENT

Need to send notice to dealer? Creditor? Manufacturer?

- ___notice of defect
- ___notice of revocation
- ___notice re withholding of payments
- ___lemon law notice
- ___UDAP notice

Risks and benefits of keeping car; continuing to use car.

Need to arrange inspection?

Get title history?

Instruct client regarding contacts with seller, manufacturer, creditor.

How to deal with debt owed on car? (Continue paying? Withhold payments? Pay into escrow?)

Advise client about effect on claims of repossession, trade-in, surrender at end of lease term, sale, or transfer of vehicle.

Should client agree to additional repair attempts?