
THE 1099 TRAP

What to Bring to an Employment Lawyer

Prep Packet

A practical organizer for contractor misclassification, unpaid wages, overtime, retaliation, termination, and workplace-control concerns.

Use this packet to gather facts before a consultation.

- ✓ Timeline
- ✓ Pay records
- ✓ Proof of control
- ✓ After-hours work
- ✓ Retaliation facts
- ✓ Questions to ask

Important Disclaimer

Educational Use Only

This packet is for educational and organizational purposes only. It is not legal, tax, financial, or employment advice.

Using this packet does not create an attorney-client relationship and does not guarantee any legal result, settlement value, agency finding, or tax treatment.

Worker classification, wage claims, overtime, retaliation, termination, non-compete issues, settlement language, and tax forms depend on specific facts and applicable law.

Do not alter, delete, fabricate, or selectively edit records. Preserve originals whenever possible, including full message threads, emails, calendars, pay records, contracts, screenshots, and file metadata.

Do not secretly record conversations unless you have confirmed the recording law that applies in your state or location.

Bring this completed packet to a qualified employment attorney, tax professional, or appropriate government agency for advice about your situation.

Plain-English rule:

This packet helps you organize facts. It does not tell you whether you have a claim or what your claim is worth.

How to Use This Packet

Complete what you can. Leave unknown items blank rather than guessing.

1**Build the basic timeline**

Start date, end date, job title/role, who paid you, who supervised you, and when problems started.

2**Gather records**

Contracts, 1099s, pay history, invoices, bank deposits, screenshots, emails, calendars, task lists, and termination messages.

3**Mark the issue categories**

Control, schedule, unpaid wages, overtime, retaliation, commissions, termination, non-compete, or tax-form concerns.

4**Prepare a clean summary**

Use the one-page lawyer summary at the end so the consultation starts with facts, not scattered emotion.

My consultation date / attorney name / firm

Top 3 things I need the lawyer to understand

Basic Work Relationship Information

Your name: _____

Business/entity you worked for: _____

Individual supervisor/boss: _____

Work location(s): _____

Approximate start date: _____ Approximate end date: _____

Job title or role they used: _____

What you actually did: _____

Brief description of the working relationship

Who gave you work, instructions, corrections, or deadlines?

Were there multiple companies, entities, family members, or locations involved?

Payment, Tax Forms, and Money Records

Check every payment method or tax form that applies.

- | | |
|---|---|
| ☐ 1099-NEC | ☐ 1099-MISC |
| ☐ W-2 | ☐ Cash |
| ☐ Check | ☐ Direct deposit |
| ☐ Zelle / Cash App / Venmo | ☐ Payroll app |
| ☐ Invoice-based payments | ☐ Regular salary-like payments |
| ☐ Commission payments | ☐ Reimbursements |

Pay rate, schedule, and how payment was calculated

Documents to gather: 1099s, W-2s, pay stubs, invoices, deposits, checks, commission statements, reimbursements

Money issues to ask about: unpaid wages, unpaid overtime, commissions, deductions, late payments, tax-form treatment

Tip: Do not estimate aggressively. Use ranges and label uncertain numbers as estimates.

Timeline Builder

List key events in order. Include dates even if approximate.

Date	Category	What happened	Proof saved?

Suggested categories: start date, schedule change, control issue, pay issue, overtime, complaint, retaliation, termination, settlement, agency filing.

Most important event in the timeline

Control and Supervision Facts

- | | |
|--|---|
| ☐ Required schedule or set hours | ☐ Had to ask permission for time off |
| ☐ Boss assigned daily or weekly tasks | ☐ Boss controlled how work was done |
| ☐ Required meetings/check-ins | ☐ Expected immediate availability |
| ☐ Could not freely reject work | ☐ Corrected/disciplined like staff |
| ☐ Used company tools/software | ☐ Represented as part of the company |

Examples of control: exact words, dates, and who said them

Proof to gather: texts, emails, calendar invites, task lists, policies, screenshots, witness names

How control affected your time, income, schedule, or ability to work elsewhere

Hours, Overtime, and Availability

Typical weekly hours: _____

Highest weekly hours: _____

Typical workdays: _____

Typical work hours: _____

☐ Before 10 AM work/contact

☐ At or after 6 PM work/contact

☐ Weekend work

☐ On-call expectation

☐ Vacation interruption

☐ Unpaid travel/admin time

☐ No time clock or timesheets

☐ Work outside written job scope

Examples of after-hours, weekend, or unpaid work

Records to gather: texts, emails, call logs, calendars, GPS/travel logs, project files, screenshots, task platforms

Best estimate of unpaid hours or overtime by week/month

Complaints, Retaliation, and Termination

Use this page for facts around complaints, questions about pay/classification, reduced work, threats, discipline, or termination.

What concern did you raise? Include exact words if possible.

Who heard or received the concern?

What changed afterward? Reduced hours, hostility, threats, discipline, termination, non-compete pressure, withheld pay, etc.

Termination details: who said what, date/time, stated reason, final pay, documents received

Proof to gather: texts, emails, call notes, witnesses, termination letter, final check, access removal, job postings

Document Checklist

- | | |
|--|--|
| ☐ Contract or independent contractor agreement | ☐ Employee handbook or policies you had to follow |
| ☐ Offer letter or onboarding paperwork | ☐ Training materials or required procedures |
| ☐ Non-compete / non-solicit / confidentiality terms | ☐ Proof of company tools, software, email, phone, uniform |
| ☐ 1099s, W-2s, pay stubs, invoices, bank deposits | ☐ Reimbursement records and expense receipts |
| ☐ Commission agreements and commission statements | ☐ Termination notice or final messages |
| ☐ Time records, calendars, schedules, call logs | ☐ Agency filings or complaint records |
| ☐ Emails, text threads, Slack/Teams/WhatsApp messages | ☐ Witness names and contact information |
| ☐ Screenshots of task assignments or deadlines | ☐ Prior written complaints or requests for clarification |

Missing documents I still need to find or request

Where my records are stored: phone, email, Google Drive, Dropbox, bank, payroll app, old laptop, etc.

Preservation note:

Keep original files when possible. Export full threads rather than only isolated screenshots.

Money Impact and Damages Notes

This is not a damages calculator. It helps you identify issues to discuss with a professional.

- | | |
|--|---|
| ☐ Unpaid regular wages | ☐ Unpaid overtime |
| ☐ Unpaid commissions | ☐ Unpaid reimbursements |
| ☐ Late or missing final pay | ☐ Tax burden from 1099 treatment |
| ☐ Lost income after termination | ☐ Job-search expenses |
| ☐ Benefit loss | ☐ Emotional distress or hardship notes |

Estimated unpaid amounts and how you calculated them

Financial harm after termination or reduced work

Questions for the lawyer about damages, attorney fees, taxes, settlement structure, and claim value

Questions to Ask the Employment Lawyer

- ☐ Based on these facts, what potential claims should be evaluated?
- ☐ Does the 1099 classification raise wage, overtime, tax, or retaliation issues?
- ☐ What evidence is strongest, weakest, or missing?
- ☐ What records should I preserve immediately?
- ☐ Are there deadlines or statutes of limitation I should know about?
- ☐ Should I contact a government agency, or would that complicate strategy?
- ☐ How are attorney fees, costs, and settlement taxes usually handled?
- ☐ What should I avoid saying, posting, deleting, signing, or sending right now?
- ☐ If there is a non-compete or confidentiality clause, what does it realistically restrict?
- ☐ What would make this matter stronger before filing or negotiating?

My additional questions

The lawyer's most important answers / next steps

Time, Not Just Money: Questions for Your Attorney

You will ask your attorney about the strength of your case and the value of your claims. Ask these too — they decide what the fight will cost in life, not just money.

Questions worth asking

- How long do cases like mine typically take, start to finish?
- What does each stage — investigation, demand, filing, discovery, mediation, trial — usually cost, in months and in fees?
- If we win, how long does collection actually take? What can go wrong after a verdict?
- At what points along the way will I have real decisions to make about settling?
- What would you weigh, in my position, besides the dollar amount?
- What will this process ask of me personally — time, documents, testimony, stress — and when?

Why these matter: a case is not only a claim — it is a chapter of your life with an unknown page count. The best decisions weigh the number, the odds, and the seasons the fight will spend. Not all money is good money; standing up for what is right is always right. How long, and at what cost, is yours to decide.

Write your own line in the sand

Before the first mediation, finish this sentence in writing and keep it with your records: “*I would rather accept _____ now than spend _____ more months fighting for the chance at _____.*” Revisit it at every decision point. If the sentence changes, make sure it changed because the facts did — not just the fatigue.

One-Page Lawyer Summary

Use this page as the front page of your packet.

Worker name: _____ **Company / payer:** _____

Role: _____ **Dates worked:** _____

Tax form/payment type: _____ **Approx. weekly hours:** _____

My core issue in 2-3 sentences

Best evidence I have

Worst or most confusing facts

Money/time at issue

What I want guidance on during the consult

Before the Consultation

- ☐ Save a copy of this completed packet as a PDF.
- ☐ Put key records in one folder.
- ☐ Name files by date and issue category.
- ☐ Do not delete original messages or documents.
- ☐ Prepare a short timeline before telling the full story.
- ☐ Write down your top 3 goals for the consultation.
- ☐ Bring settlement offers, demand letters, agreements, or agency notices if any.
- ☐ Ask what deadlines apply before making decisions.

Consultation goal:

Leave knowing what issues are worth pursuing, what evidence is missing, what deadlines matter, and what you should not do next.

The 1099 Trap

For workers paid like contractors but treated like employees.

Educational use only - not legal advice.