

## Frequently Asked Questions about Retainers

1. **What is a retainer?** It is an amount paid to secure representation. The amount required is going to be determined by the amount of expected litigation involved and the complexity of the case.
2. **When will I be required to replenish my retainer?** We like to maintain a balance on your account of at least \$2,500.00. Unless your case is almost complete, we will ask for payment to secure the case through the end of litigation and through any post trial motions. **The first deposit you make on your account, ½ will go to be held as a credit to your account to settle any final fees, which could include, but not limited to deposition fees and trial preparation.**
3. **What if I don't use all of my retainer?** That will depend on whether or not you wish to continue to have representation through our office. Many times the case will have lingering issues. Many clients leave funds on their account to cover these additional fees. However, we will return the amount left in your account at the close of your case and after the appeal time has passed. Your case may have retirement account or other issues to be finalized.
4. **Why am I charged for phone calls and emails?** Each and every time your case is reviewed or you speak with an attorney or a staff member, the time will be billed against your account. To cut down on the costs of litigation, you should be careful not to call or email too often. While we are happy to talk to you, you are spending legal fees with each call or consult.
5. **When will I get a bill or invoice?** Each week to ten days you will be billed for the time spent on your account.
6. **How can I pay my retainer?** Cash, Check, Money Order, or Credit Card. If you wish to make payments on your retainer, we can make automatic debits on your account. You will have to sign an authorization agreement for this to take place.
7. **What will this action cost?** It will depend entirely on the time involved and who is performing the work. The legal assistants and the attorneys have different bill rates. We have broken down an estimated range of fees – but this is not an all-inclusive list. It is as follows:
  1. Preparation of divorce or modification documents in a contested action. \$750-\$1,500.
  2. Depositions \$1,000.00 and up.
  3. Discovery preparation \$750.00 and up.

4. Preparation of motions \$350.00-\$500.00
5. QDROS \$1,500.00
6. Settlement Package \$1,500.00

## The Facts Surrounding the Divorce Process

### What usually happens:

- You retain our firm
- Papers are drawn up within 1 week to 10 days
- Either a complaint or an Answer & Counterclaim is filed.
- You receive an email to review the papers. Once it's approved, we will set up a time for you to come in and sign.
- **IF UNCONTESTED ACTION:**
  - Both parties must sign the prepared documents in front of a notary (requiring an updated I.D. at time of signing). Once the papers are signed by both parties they are electronically filed and then assigned to a judge. The papers must sit on the judge's desk for at least thirty days, possibly longer, depending on the judge assigned to your case. Once the judge has electronically signed your papers they are returned to our office via email. The Order will then be forwarded to you via email.
- **IF CONTESTED ACTION:**
  - Once you retain our firm, we prepare the Petition for you to review and sign.
  - After the Petition is signed and all filing fees are paid, we file the papers with the Court.
  - Once the Court returns the papers to us via email, we must have them served.
  - We must have an up to date address or place of employment for the party being served to provide to the process server.
  - The papers will be served by a private process server and there is an additional cost for service.
  - We call the process server, who will call you for information on the best time and place to serve the papers. They may require additional information such as a current photo or type of vehicle the person drives that is being served.
  - The process server will notify you once the papers are served.
  - Once the papers are served, the opposing party has thirty days to answer cases in circuit court or fifteen days in district court.

## **PICK UP HERE IF YOU WERE THE PARTY SERVED**

- After this, many different events may occur (in various order), including:
  - They may file a counterclaim.
  - You may get a Standing Order from the Court, depending on what County you are in.
  - We have the option for filing for an emergency hearing if need be
  - If children are involved or marital expenses, we need to figure out who pays what.
  - Letters will go between attorneys to solve this issue.
  - Discovery begins. This includes sending Interrogatories (questions about case) and Request for Production of Documents (documents related to the case).
  - We will help you determine what questions to ask.
  - Each party has thirty days to answer Discovery.
  - While we wait for trial, we will have depositions depending on the case.
  - Depositions take place with a court reporter and you answer questions under oath. We will prepare you for depositions.
  - You should be lining up witnesses, gathering evidence for your case and let us know if we need to subpoena documents.
  - Motions (such as contempt) filed.
  - Motion hearings (usually not attended by the parties, but by attorneys only)
  - The Court may order Mediation.
  - Mediation is where both parties and their attorneys attempt to resolve the issue. It takes place with a neutral party usually a retired judge or another attorney not associated with your case.
  - If the issues are not resolved, we determine what we need for trial and wait.
  - A court date will be set, just because it is set does not mean you will go in front of the judge. It depends on when case is filed and how many cases are before you on the docket.
  - When preparing for trial, we will want to talk to your witnesses. At the very least we want to know what they will say. If you need an expert witness, we have to give thirty days' notice.
  - We review the depositions and all discovery that has been exchanged. We may want to get additional evidence through subpoena.
  - Before trial we will go over your questions.
  - During the entire process you can contact me, or one of my associates.
  - Please make an appointment to come in anytime to discuss the issues with me.

- I cannot prepare for trial without you!
- After we do the very best we can in trial, we wait for the Order, or you can reach a settlement at any time in the process.
- After your case is over, we may have issues to resolve on getting Retirement funds, deeds, property distribution, and you should get a new bill.
- If you have issues after your divorce, you can maintain an account to help you with transitional issues.

### **You may need to call us if:**

- You are thinking of filing a protection from abuse petition.
- You are not receiving or not paying child support.
- Any issues regarding contempt of non-compliance of the Pendente Lite.

### **Other expenses you may incur from third parties working on your behalf:**

- Process server (the person who serves the papers on the opposing party and witnesses).
- Court reporter (the person who records the depositions).
- Expert witnesses (the experts who testify in court).
- Psychologist/psychiatrists (who may be needed to do evaluations).
- Retirement experts (who determine the amount of retirement you or your spouse is entitled to).
- Mediators (if you opt to mediate instead of going to trial).
- Appraisals

### **OTHER THINGS MAY ALSO OCCUR. THIS LIST IS NOT**

**ALL-INCLUSIVE.** Please email Ms. Daniel ([leigh@leighdaniellaw.com](mailto:leigh@leighdaniellaw.com)), Mr. Godsey ([jamserson.godsey.esq@gmail.com](mailto:jamserson.godsey.esq@gmail.com)), or Ms. Hallford ([tanyahallford.attorney@gmail.com](mailto:tanyahallford.attorney@gmail.com)) if you have any questions.

