

FREQUENTLY ASKED QUESTIONS

We appreciate the confidence you have shown in our firm by considering to allow us to act as your attorneys in this family law action. To avoid misunderstandings, we would like to clarify the following points:

1. We require a \$2,500 retainer before taking any legal action on your behalf unless this requirement has been waived by our firm.
2. Enclosed you will find a “Memorandum of Agreement” which outlines our attorney/client relationship. Before our office takes any action on your behalf, this Memorandum of Agreement needs to be signed by yourself as well as our firm. We certainly do not do this to put any pressure on anybody; rather, we find it most beneficial to everybody involved if we have a clear understanding of how our relationship will work. Therefore, before taking action on your behalf, we will need the enclosure signed and returned to our office.
3. To be able to proceed with a case on your behalf, you will need to provide me with certain documentation. Please refer to the link on our website entitled **Client Documents Needed for Representation** in order to determine what documents you need to gather to provide.
4. Your spouse (or ex-spouse or ex-significant other) may be ordered to pay all or part of your fees and court costs. However, this is not automatic, and will depend on your financial status and the property award. Even when fees are ordered to be paid by your spouse, they may not be for the full amount or may be uncollectible. We look to you for our fees. Any amounts received from your spouse will be credited to your account. Any such credits that result in overpayment will be reimbursed to you directly.

As you can probably imagine, getting through this kind of matter is not only difficult on a personal level, but it can be, in many ways, a major time consuming project. We, as your attorneys, will do our absolute best to make sure that you get through this matter with a minimal amount of pain and with the best results possible. However, in order for us to adequately do our job, there are certain things that we require of my clients.

When we request certain information from my clients, we need them to provide that information to me promptly. We also need them to spend adequate time and make sure they give us thorough and accurate information. This kind of action, like all litigation, requires both sides to gain information of the facts. This is called, in legal terms, discovery. Parties employ various methods of discovery. For example, they may propound on the other party a request for documents, interrogatories (written questions to be answered under oath), request for admissions, and on some occasions, parties will use depositions (a deposition is when a party or potential witness is put under oath with a court

reporter present. An attorney asks questions, and the witness answers them.). As such, when we propound discovery from the other party, we require them to give prompt and accurate information. They also expect the same from us. That is why it is important that you take the time to answer these interrogatories accurately and thoroughly.

One of two things is going to happen to every case: (1) the case settles, or (2) the case goes to trial. Either way, we, as your attorneys, have to have accurate and thorough information. In order to advise our client regarding any settlement, we need to have all of the information. In a case that involves child custody, this means thorough and accurate information about the parties, whose a better parent, etc. When the issues involved are mainly economic in nature (such as a division of property and debts), then it is important that we have accurate information in that regard, as well. If the case gets tried, then we are asking a judge to decide these matters, and if we want him or her to do it right, then we have to make sure that he or she has all of the information.

We also ask that our clients keep in mind that a family law matter is really, oftentimes, a number of individual cases rolled into one. For example, a dissolution of marriage action may involve a division of property and debt, alimony, child support, and child custody. There is some relationship between these issues in some ways. For example, an alimony award may depend upon what property is awarded to a particular party or available to be awarded to a particular party. On the other hand, some issues are independent of each other. For example, child custody has nothing to do with property settlement. Clients frequently try to use the children as a sword or a shield to better their position in regard to property. On the other hand, parties frequently use the property as a sword or a shield to benefit them in regard to the children. This is not tolerated under the law, nor should it be. The reason we bring this up is simply because it is best to get these things out in the open at the beginning of a case. We are politely trying to say that while clients may have their own ideas as to how a case should proceed (and, of course, they should have their own ideas and participate because it is their case), it is also true that many of the issues clients frequently try to interject into a particular case are not relevant under the law. Therefore, don't be discouraged with us if we try to get you back on track. In other words, don't be discouraged if we tell you, for example, that you are going down the wrong road and worrying about things that are irrelevant. That is part of our job.

People obviously want to know how much the case is going to cost them. That is not an answer we can give. Fees vary widely from case to case. A lot depends upon the nature of the case. For example, does the case involve mostly economic issues, child custody issues, or both? Also, was the case settled quickly, or was trial required? Another factor is how much discovery was done? Having your attorney go through the process of discovery does increase the costs. However, like indicated above, a client does have to gain information of the facts in order to make an informed decision. Therefore, some discovery is probably necessary. As you can see, it is impossible for me to give a number as to how much the process is going to cost. Some cases have attorney fees for a few hundred dollars, and some cases have attorney fees into the several thousand dollars.

People also typically want to know how long their case will take to reach its conclusion. Again, this varies widely from case to case. When considering how long a case will might take, one needs to consider the following things:

- a) How complicated are the issues involved? Is child custody involved? Does this case involve a numerous amount of assets and debts or does it involve just a small number of assets and debts which can be easily agreed upon? How well do the parties involved get along? Do they get along well enough to compromise and easily reach agreements to issues involved or is it a bitter breakup that involves a lot of hard feelings?

- b) What is the availability of the Court? Clients often times do not give this much consideration. The Court system is often perpetually bogged down and at times it can be difficult to get a trial date as soon as the client would like.

We, of course, cannot make any guarantee as to the outcome of any case. Making any kind of such a guarantee would not be in your best interest because the outcome of any case is dependent upon a large number of factors, most of which cannot be reasonably estimated or determined at the beginning of a case. We will represent you to the best our ability, zealously, with your interests in mind at all times. We look forward to working with you.

Mark Walk & Aaron Murphy
Walk & Murphy, PLC