

WORKING  
WITH  
YOUR ATTORNEY

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## CONTACTING YOUR ATTORNEY

The Law Office of Kimberly T. Arn is open from 8:30 A.M. until 5:00 P.M. Monday-Friday.

You may call your attorney at any time, preferably during business hours. If you prefer to see your attorney in person, please call the office and schedule an appointment.

It is our policy to return client calls within twenty-four (24) hours. If your call is an emergency (i.e., you are incarcerated, you have been seriously injured, you have been the victim of violence etc.), please leave an appropriate message and an attorney will return your call as soon as possible.

## YOUR CONTACT INFORMATION

If your contact information changes during the course of your case, promptly provide the office with your updated information.

## CIVILITY

It is the policy and practice of this office to be civil towards all persons involved with your case. This includes witnesses, opposing party(s), attorneys, court staff, and others. It is our expectation that you will behave in a similar fashion. Our goal is to accomplish your goals and to do so with the utmost professionalism.

## OUR COMMUNICATION WITH OTHER PERSONS

In accordance with our duty of confidentiality to our clients, we will not speak with anyone about your case except those with whom the sharing of information is necessary (i.e., opposing

counsel, court staff, office staff, process servers, private detectives, expert and lay witnesses and similarly situated persons). If you decide to have a family member or friend discuss your case with your attorney, please advise your attorney in advance. This policy is meant to protect your privacy.

## **YOUR COMMUNICATIONS WITH OTHER PERSONS**

During the course of the case, do not speak directly with any opposing party (including friends and family of the opposing party) or any opposing attorneys without first consulting with your attorney. This generally does not apply to your spouse, other parent of your children, or your children. Additionally, clients shall not contact the Court, mediators, potential witnesses, or opposing counsel without the consent of their attorney.

## **SCHEDULING HEARINGS AND MEETINGS**

Your case may require court hearings, in person negotiations or meetings with your attorney, mediation, depositions, or some other event where you are required to attend. These events will occur during regular business hours and you may have to miss a day of work/school to attend. If you have special work/school requirements, or other circumstances exist that may impact your ability to attend these proceedings, please let your attorney know in advance so that we may try to take your scheduling limitations into account.

## **UNDERSTANDING THE ATTORNEY RETAINER**

Almost all attorneys request that client's provide a "Retainer." A retainer is a certain sum of money that the attorney requests be placed into a trust account prior to beginning the representation

of a client. This money/retainer belongs to the client until it is earned by the attorney. Each month after your retainer is placed in trust, you will receive an invoice from our office itemizing all the work done on your case and the respective charges for that work. The invoice will be paid from your retainer. Your invoice will either show a zero balance and you will receive notification of how much money remains in your retainer or your invoice may show an outstanding balance which means you must pay the amount indicated on the invoice. Depending on the status of your case, you may be required to replenish the retainer when it is reduced to a certain dollar amount.

## UNDERSTANDING YOUR ATTORNEY'S BILL

### Time Spent

When a client is charged on an hourly basis, that client shall be billed for **ALL TIME** spent on the case including, but not limited to, making and answering telephone calls, sending and answering e-mail, reviewing correspondence received, sending correspondence, attending meetings, reviewing your file, drafting or redrafting pleadings, sending pleadings, reviewing pleadings received, legal research and writing, deposition preparation, depositions, trial preparation, trials, **waiting in court for trials or hearings to commence**, travel to and from court and elsewhere, hearings, conferences, negotiations, speaking with opposing attorneys, speaking with court staff, and speaking with all persons the client authorizes, directly or by implication, his/her attorney to speak with.

Clients shall be billed in increments of one (1) tenth of an hour (6 minutes). There is a

minimum charge of two (2) tenths of an hour (12 minutes) for each service incident. This means, for example, that each time you contact the office the minimum charge will be two (2) tenths of an hour (12 minutes) , whether the call was for 1 minute or 12 minutes. After the initial 12 minutes, you will be billed for each additional one (1) tenth of an hour (6 minutes).

## Costs

Clients will also be charged for any costs or expenses incurred in the course of representing you. This includes, but is not limited to, filing fees, service of process fees, asset search fees, fees for preparing and serving subpoenas, fees for courier services, fees for investigators, fees for expert witnesses and evaluators, fees for obtaining transcripts, postage if it is in excess of \$2.00 for any one item, charges for long distance telephone calls, copying charges, and parking fees and toll charges when attorney is required to travel and charges for obtaining any other relevant materials.

## **REDUCING YOUR ATTORNEY'S FEES**

We will make every effort to minimize the attorney fees and costs that you incur. However, litigation is expensive and much of the cost of litigation is driven by the parties and the intensity or complexity of the conflict.

### There are things you can do to decrease your attorney fees, such as:

- Contact your attorney only when truly necessary.
- Don't overuse Email to your attorney.
- Write your questions down as they occur to you and discuss them all in one conversation

with your attorney rather than several.

- Do contact your attorney before taking some questionable action in your case.
- Produce discovery in a timely fashion.
- Read “The Discovery Process” below and follow our prescriptions for saving money.
- Don’t use your attorney as your therapist.
- Consider and discuss with your attorney the cost/benefit of each course of action you take in your case.

## THE DISCOVERY PROCESS

Your case may involve what is known as “Discovery.” Discovery is the process whereby each party obtains information/evidence that will assist them in preparing their case for resolution, either by negotiation or trial. Most litigated family law matters include at least Interrogatories and Requests for Production of Documents. Discovery often is the most expensive part of preparing and/or defending a client’s case.

### Decreasing Costs During Discovery

Interrogatories (“ROGS”) are a series of questions that a party must answer under oath truthfully. Requests for Production, Inspection, and Copying of Documents (“RQPD”) are an unlimited number of requests for a party to provide documents to the other side via copying and delivery or making those documents available to the other side for their inspection.

### Answers to Interrogatories

Answers to ROGS must be provided on a document that lists the question and then supplies the answer immediately after. Parties are able to decrease attorney time on their case, if they provide their answers in type written form directly onto a Word document containing the interrogatories posed by the other side. Your attorney will provide this Word document for you to complete. Type full and complete answers into the Word document and return it to your attorney via email or disc. Your attorney will review your answers and may make changes. Once the answers are complete, you will need to come into the office to review and sign the answers under oath, swearing to your truthfulness.

### Responses to Document Requests

When providing documents in response to RPQD, provide two copies of each document and indicate the numbered request that each document responds to. For example, if RQPD number 3 asks for bank statements, and number 8 asks for copies of your diary, and number 35 asks for retirement account statements, then you should provide two separate stacks of documents each with the documents responsive to number 3, 8, and 35 with tabs or a different colored paper indicating where the documents for each request begin – number 3 on first page of bank statements, number 8 on first page of your diary, and number 35 on first page of retirement account statements. You may provide one hard copy and a PDF file with the second copy if you prefer.

We must prepare a list of the documents produced so that we can track what documents are turned over to the other side. You can save money on attorney's fees by preparing an itemized list



of each and every document you provide to your attorney, preferably in the order that they are provided.

Such a list would look like the following:

1. 2010 Federal and State tax return
2. Bank of America account ending XXXX from September 2009-August 2011.
3. BGE bills from January 2011-August 2011.
4. Blue book value 2009 Honda Accord.

## **GET AHEAD OF THE GAME AND BEGIN GATHERING DOCUMENTS NOW**

If you are proceeding with a divorce or thinking about proceeding with a divorce, begin to gather the following documents now. This is a time consuming but incredibly important part of proceeding with the divorce process.

- Last five (5) federal and state income tax returns and W2 statements filed either jointly or individually by you and your spouse;
- Paycheck statements for you and your spouse for the last three (3) months from all sources of earnings;
- Benefits information relating to employment of you or your spouse including health insurance;

- If either or your spouse work for cash, documentation of receipts for cash payments, check ledgers demonstrating expenses paid during marriage (check registers may not show payment for items such as groceries, which may have been paid for in cash);
- Last three (3) statements for all bank accounts owned by you or your spouse either jointly or individually;
- Safe deposit rental agreements for you and your spouse either jointly or individually;
- Last three (3) statements for all securities accounts owned by you or your spouse either jointly or individually;
- Statements for all pensions, IRAs, mutual funds, 401K/profit sharing, and retirement plans for both you and your spouse;
- All household bills for the past year;
- Current mortgage and home equity loan statements, including current balance for any real property owned by you or your spouse either jointly or individually;
- Last appraisal for any real property owned by your or your spouse either jointly or individually, including art, jewelry, electronics or items specifically listed in any insurance policy;
- Current tax assessment statements for any real property owned by you or your spouse either jointly or individually;

- Financial statements or statements of net worth prepared by you or your spouse either jointly or individually for the purpose of securing bank loans or for any other purpose;
- Life insurance policies, including those provided through an employer, for you and your spouse, to include face amount and current cash surrender value;
- Title or vehicle registrations cards for all cars, trucks, boats, RVs, snowmobiles, or motorcycles, owned by you or your spouse either jointly or individually;
- Receipts for child care;
- Documentation of extraordinary medical costs for you or your children;
- All bills and statement received from any mental health professional that has seen you, your children, or your spouse;
- All current credit card statements;
- Loans made either jointly or individually by you and your spouse;
- Any other document you believe is relevant to alimony, child support, or division of property;
- Any marital property or separation agreements between you and your spouse;
- All pleadings and court papers that you have regarding this or previous cases of any type;
- All documents regarding any stocks, bonds, mutual funds, or other investments that you or your spouse have either jointly or individually;

- Documentation of any business in which you or your spouse hold any interest either jointly or individually, whether as a sole proprietor, partnership, LLC, or corporation, including, but not limited to, payments received, charges billed, job bids, invoices for work performed, ledgers of payments received, bank deposit slips, bank statements, independent contract agreements, contracts agreements, federal and state tax returns, check registers, canceled checks, payment receipts, check carbons, computerized income or expense records, financial statements, profit and loss statements, general ledgers; and property tax filings;
- Last five (5) federal and state income tax returns for any business in which you or your spouse hold an interest either jointly or individually;
- Lease agreements for any rental properties in which you or your spouse hold an interest either jointly or individually;
- E-mails about or concerning you, your spouse, or significant others that you believe is relevant to adultery, alimony, child support, or division of property;
- Any other information that will help establish your net worth, your spouse's net worth, your income, and your spouse's income;
- Deeds for any real property owned by you or your spouse either jointly or individually;

- If applicable, photographs of you or your children indicating physical abuse by your spouse;
- If applicable, copies of reports from doctors and/or therapists for you or your children if abuse of any kind by your spouse is indicated; and
- Identifying photographs of your spouse and children.

**YOU MUST KEEP A COPY OF ALL DOCUMENTS, COMPUTER FILES, AND OR DISCS THAT YOU PROVIDE TO YOUR ATTORNEY. YOUR ATTORNEY CANNOT GUARANTEE THE RETURN OF THE DOCUMENTS YOU PROVIDE.**

## **DISCHARGE OF YOUR ATTORNEY**

If at any time you wish your attorney to stop further activity in your case, you should notify your attorney in writing and provide instructions for them to terminate their representation. Your instructions must indicate whether you wish to proceed self-represented, you are hiring a substitute attorney, or you wish to dismiss your case. Once your attorney has entered their appearance on your behalf with any court, it may take several weeks for the court to release them from the case. The Maryland Rules of Court require your attorney to file certain paper work, depending on your instructions, before they can be released as your attorney of record. During the time it takes your attorney to remove themselves from your case, you will be billed for all work necessary to withdraw from your case and properly maintain the status of the case in the interim.