



How Much Will This Cost?

Although by now you may have read our employment contract, we want to spend more time communicating about the variables driving the cost of any family dispute. In addition to the level of conflict with the other side of your disagreement, the number and the complexity of the disputed issues, whether or not a novel legal question arises from your situation, the Judge assigned to the case and the strategies and personality of the opposing attorney can all impact the costs. In essence, the more energy it takes our staff to resolve your dispute, the more it will cost. If there are many people involved in your dispute, especially if they are combative or overly emotional, this will impact the cost as well.

- **Initial Pleadings:** Usually the initial document drafting process is not expensive compared to the other services we perform. The exception to this is a complex post-judgement case where the documents we are asked to prepare are very custom. To explain, we write contested divorce pleadings every week, and the same holds true for no-fault divorce paperwork and standard clauses contained within divorce contracts. These documents are relatively routine and do not take long to put together. However, for us to take your existing court papers and explain in a written document the unique things that have gone wrong, more time and energy is used. As with all other aspects of a legal dispute, the more organized you are and helpful you can be to our team, the more efficient our people can represent your interests.
- **Fees to the Third Parties:** Every Court in which we file initial paperwork requires a fee for filing. This is usually around \$150. We also have to pay to have the other party or subpoena recipients served with process. This cost can range from \$25 to \$150 depending on the method of service. There are also fees for transcripts (deposition and hearing), expert witnesses, appraisers, guardian ad litem, and to those responding to subpoenas which we will discuss in more detail later.
- **Communication:** One of the biggest complaints clients have about lawyers is they do not communicate well. At R+E, we go over and above in our efforts to communicate. You will be blind copied on almost all emails and you will receive every document prepared for your case. We will call you, email you and text message you, sometimes just to check in. This is a standard part of what we do. Obviously, excessive telephone calls, emails, text messages and meetings will make your case cost more. We need to communicate to have a successful outcome, but when the communication is better suited for a counselor, it can unnecessarily drive the costs higher. This reason is why we may have recommended you work with a counselor, because their services are often less

expensive, covered by health insurance, and mental health professionals are trained to give you tools to work through the very real emotional components of a family legal problem.

- **Mental Health/Addiction:** If you or your adversary are suffering from depression, bipolar disorder, borderline personality disorder/traits or narcissistic personality disorder/traits, the legal services will cost more. You cannot reason with the unreasonable and it is hard to reach effective solutions with someone who is or acts irrationally. In addition, addiction makes life and legal work more complicated, especially if children are caught in the crossfire. Alcohol, drugs, sex, gambling, food and work addictions will impact the case and make it more expensive.
- **Temporary Hearings:** A Temporary Hearing is a very important event. The resulting Order will create the rules under which you and your spouse will operate until the case can be finally resolved. In post-judgement cases, we rarely have Temporary Hearings, but they are relatively common in a contested divorce or an initial custody case. In addition to spending a good deal of time on your financial declaration, we will be creating several other documents in an effort to communicate your point of view clearly to the Chancellor or Family Master. Also, we will need evidence to support your position. Your attorney will talk to you about the type of evidence we will need as you get closer to the Temporary Hearing. Preparation for a temporary hearing will usually take between 8-12 hours and we will be at the courthouse from anywhere between 4-8 hours, not including any necessary travel. The way temporary hearings are conducted around the state can vary, which will impact the cost. In some jurisdictions, the Judge will let you have as much time as you need for a temporary hearing. Still in others, we will be limited in time. Sometimes we may get 2 hours per side, but it is often significantly less. Think 30 minutes. In other places, the Judge simply wants to hear a status report from the attorneys and in others, attorneys must submit everything in writing via affidavit and a personal appearance is not allowed.
- **Guardians Ad Litem:** A GAL is an attorney who advocates and evaluates a case from the perspective of the children of the parties to a dispute. In some ways, the work of a GAL saves money, because they are able to get information from each side of the argument and from third parties more efficiently. Also, a Judge will *usually* (not always) follow the recommendations of a good GAL, so the litigation process is greatly streamlined. However, their presence adds another attorney who will have to be paid, although their hourly rates are typically lower than our attorney's rates. Also, if a GAL has an opinion which negatively impacts your position, our team will have to work extra hard to overcome their negative reports.
- **Discovery:** Discovery is the formal information gathering process in litigation. There are multiple discovery tools, including interrogatories, requests for production of documents, requests for admissions, subpoenas for documents, oral depositions and requests for inspections. The more excessive the discovery, the more a case will cost. The harder we have to work to get the other side of the dispute to follow the discovery rules and/or turn over information we need, the more expensive the litigation. The same holds true with our clients. The more

organized and efficiently our clients get information to us, the easier it is for our team to turn over the things the other side is entitled to receive. Obviously, the more complicated the financial estate or the issues surrounding your children, the more information will be necessary to represent your interests. The more information necessary to represent your interests, the more there is to gather and to be the subject of a potential dispute.

- *Written Discovery:* Answering questions and producing documents to the other side takes more time when our clients are not organized. The raw materials, or building blocks, for your case must come from you. If you spend lots of time on the other side's discovery questions and requests for production of documents and you provide them to us in an organized way, we can usually produce the information they are entitled to have with relative ease. The key is to give us more than the other side is entitled to see, so we can make the decisions about what to turn over and what not to turn over.
- *Subpoenas:* When we file a lawsuit, we are entitled to issue a demand on a third party to produce information to us. We commonly issue subpoenas for cell phone records, financial records, medical/health records and employment records. In addition to the time it takes to prepare the paperwork required to properly issue a subpoena, the companies to whom the subpoena is directed will charge for the time and energy of their employees to respond to the demand for information. We also incur costs to have the paperwork delivered to the proper person or entity. Sometimes, the third party will fight the subpoena, and this will increase the costs even more.
- *Depositions:* Depositions are recorded question and answer sessions taking place under oath. Depositions are a great way to test your adversary or a witness under the heat of intense questioning, but they can also be quite expensive. Not only do you have to pay for the preparation and actual participation in the deposition, but the court reporter who records and makes a transcript of the event will charge significant fees for their appearance and efforts to prepare a record of the event. It is not uncommon for the court reporter fees for the deposition of a party to a divorce case to be \$1,000.00 or more.
- **Expert Witnesses:** An expert witness is a person who contributes specialized knowledge to your legal dispute. Real Estate appraisers, accountants, and counselors are common expert witnesses in family disputes. The potential need for expert witnesses and their associated fees will impact to the cost of your case.
- **Settlement Negotiations:** Unlike a lot of what you have been reading about in this document, settlement negotiations are money savers. Open dialogue with reasonable people can streamline the real issues of a case. The more there is to fight over, the more a case will cost and the longer you will be paying attorneys. The less there is to fight over, the less a case will cost and the less time you will have lawyers on your payroll. Settlement negotiations can be as informal as a

discussion between you and your adversary or as formal as a day of mediation with a retired Judge who seeks to help you bridge the gap between your idea of fairness and that of the other party to the dispute. We recommend mediation in almost every case, because there is a high percentage chance of creating a settlement. Abuse cases are an exception to this general rule. Although mediation can be expensive, because you are paying your attorney to spend 8-12 hours of dedicated time on your case, they can actually be money savers if your dispute is resolved. Mediation sessions will also reduce trial preparation time, even when they are unsuccessful. Obviously, like expert witnesses and guardian ad litem, there is a third-party professional to pay, but in our experience, a good mediator is worth every penny.

- **Pre-Trial Hearings:** Any time we go to court for you, it is expensive. We often have to wait around for our turn to speak to the Judge, and the preparation which goes into addressing the Court about even simple matters can be extensive. Remember: the more time and energy, the greater the cost.
- **Trial:** The only thing worse than being involved in a lawsuit is when your lawsuit ends in a trial. Actually, a trial does not end the legal work, because after the case is presented to a Judge, there is much more to do as we will discuss below. Trials suck. They are grueling. They are not something anyone would ever sign up to do voluntarily if there is another option. A trial day for our team typically starts around 5 a.m. and will finish at around 11 p.m., if we are lucky. For every 1 hour we are in court, we need about two hours of preparation time. To give you a perspective, a two-day divorce trial takes about 14-16 hours in open Court. Preparation for 16 hours in open court takes around 32 hours. If you are working with one of our attorneys who bills \$400 per hour, his or her participation alone in your trial will cost over \$19,000.00. Also, it is extremely difficult for one person to handle everything that needs to be done on a day in Court, so we will typically take another team member from our office with us. This adds to your cost. Trials are expensive and should be avoided if humanly possible.
- **Post-Trial Work/Appeals:** One of the many bad things about a trial is that when the gavel drops and the last argument is made, the Judge rarely announces their decision immediately. In fact, they often ask the attorneys to write a research paper with a proposed decision called a Findings of Fact and Conclusions of Law. Even when the Judge does rule, if it is oral, the oral judgement must be reduced to writing. Of course, no matter how hard the Judge attempts to be clear, lawyers can disagree over what the Judge meant by a certain phrase. Also, all trial court decisions are subject to the appellate process. While the appellate process mostly happens in writing, it requires lots of research and writing for the arguments to be framed in the proper form. Also, when a case is appealed, a complete transcript of the proceeding must be prepared. The longer the trial, the more expensive the transcript can be. In addition, if the appellate court finds fault in the trial court's decision, they often send the case back to the trial court for another trial, which you guessed it, costs even more money.

Issues	Litigation (Less common)		Agreement (More Common)	
	YES	NO	YES	NO
Do you have minor Children?	\$\$\$\$\$\$	-	\$\$	-
Are there multiple retirement plans to be divided?	\$\$	-	\$	-
Are you or your spouse financially dependent on the other spouse?	\$\$\$	-	\$\$	-
Have you or your spouse committed fault?	\$\$\$	-	\$	-
Do you have a family owned business or professional practice?	\$\$\$\$\$	-	\$\$	-
Does your net marital estate exceed \$1,500,000?	\$\$\$\$	-	\$\$	-
Is there significant marital debt?	\$\$	-	\$	-
Is there property that is questionably non-marital?	\$\$	-	\$	-
Is the attorney on the other side of your dispute difficult?	\$\$\$\$	-	\$\$	-
Is the case in the Jackson Metro?	-	\$\$\$	-	\$
Are expert witnesses needed?	\$\$\$\$\$	-	\$\$	-
Are there issues with mental health/addiction?	\$\$\$\$	-	\$\$	-
Is there a Guardian Ad Litem?	\$\$\$	-	\$\$	-
Is there a need for legal research?	\$\$	-	\$	-