

## CLIENT EXPECTATIONS AND UNDERSTANDING OF REPRESENTATION

### ABOUT US:

1. Attorneys work by appointments only. Please do not show up at our offices to speak with an attorney without an appointment. Your confidentiality and privacy is a concern and often there are people in the waiting area for appointments.
2. We will return phone calls in the order in which they are received and based on the priority of the situation. If you leave a message, your message will be passed on to the attorney. Calling three or four or multiple times in a day will not get your call answered any faster. Email is the quickest way to get a response from an attorney.
3. Please utilize our staff to answer your questions and give you status reports. Our staff is experienced and can, most of the time, respond to your request. Our staff cannot give you legal advice.
4. If at any time you seek to terminate our representation, it will be necessary that all fees and cost have been paid and that you execute a Motion to Withdraw. Please review your Retainer Agreement as well for any other concerns.
5. If it is of the utmost importance that a trusting and confidential relationship be maintained between our office and you.

### ABOUT OTHERS:

1. Most of the research you do about your case online or the advice you get from friends may not be entirely correct or applicable to your case. so you should not compare what is happening on your case to what you find online or what friends or family may tell you. As your attorneys, we are the only reliable source of information regarding the process and status of your case. However, please feel free to let me know of the types of results you are seeking and the basis of these results from a legal proceeding (county, case number, parties, and document name).
2. Legal pleadings (Petition for Dissolution, Answer, Counterclaim, etc.) are legal documents filled with allegations that must be pled (and some that are merely made to posture for a client). We generally do not expend any emotional energy (get angry or upset) on the text of legal pleadings drafted on your behalf or your spouse's behalf.
3. The opposing attorney may be very aggravating and frustrating to you because he or she may accuse you of things you have not done, may be litigious (wanting to fight about everything), may drag his or her feet with moving the case forward, or may be non-responsive to requests from this office. It is unrealistic to expect that we can control how an opposing attorney handles his or her file or practices law.

4. We cannot control the court's schedule or docket. The courts schedule cases as they are processed and in line with the thousands of other cases filed. You may not be happy with the time it takes your case to get through the system. There are thousands of family law cases filed in Second Circuit each year and most contested cases take at least several months, sometimes more than one year, to finish.

5. You may not get any consideration from your spouse for anything you have done or will do because you are nice. You are encouraged to be nice, be cooperative, but don't expect to get anything favorable in return for it.

## **CONTESTED CASES – EXPECTATIONS**

1. **COURT APPEARANCES** – An attorney from our firm will be present at all Court appearances and will provide you with notice in advance of all hearings. Not all court appearances will require your attendance, although you are more than welcome to attend every hearing involving your case.

2. **SUBPOENAS** – The other party can send a subpoena to any third party that MAY have information about you, your spouse, your business dealings, your employment, your education, your children and the like. Banks, lenders, business partners, educational facilities, stock brokers, teachers, churches, etc. can all be issued subpoenas for any records they may have regarding you. We can do the same. There is very little we can do to stop this so be prepared to deal with the frustration you may experience. If there is a legitimate reason to try and stop the subpoena, which there rarely is, we can file a motion to do so. Unless the information is privileged or irrelevant in some fashion, the third party will have to disclose the information requested.

3. **DEPOSITIONS** – The other party can issue a notice of deposition to any third party witness. This means that a third party can be required to give testimony under oath usually in one of our offices. The purpose of depositions is to find out information and to find out ahead of time what a person may testify to in court. You and your spouse could each be deposed for the same reason. We can issue notices of depositions as well. All professional (doctors, psychiatrists, etc) are entitled to have their time paid for to appear (by the party that deposes them). A court reporter must be present and is paid to attend as well. The attorneys are paid to attend as well. Depositions are costly.

4. **NOTHING HAPPENS QUICKLY** – Generally, contested cases take several months to move through the court system. A complicated custody/timesharing matter or equitable division case can take at least one year to complete. The courts are always full and there are several steps that have to be taken before a trial will be set, for instance, discovery, depositions, custody/parenting evaluations, home study, pre-trial hearings and motion hearings. It takes a long time to move a contested case through the court system and this will likely be your number one frustration. We will do all we can to move the case forward, but you will still

be frustrated with the time it takes to finish a case. Please prepare yourself ahead of time and please do not take this frustration out on us or my staff. We are doing everything we can to move the case along.

5. DISCOVERY – This is the “formal” name for exchanging information through subpoenas, written questions (interrogatories) and request for documents. Discovery has its own set of rules and deadlines which we will inform you about during the process. However, please be prepared that Mandatory Disclosure (financial exchange of all assets and debts) must occur in a timely manner (within 45 days of filing).

6. CHILDREN – Marital problems are terribly difficult for children. Do your children a favor and do not “poison” the minds of your children against their other parent. Do not speak about their parent’s faults to children. Do not complain to your children about how much child support you are paying or how little child support you are receiving. Visitation will be decided through parental agreement or by the judge. Each parent is entitled to visitation privileges with their children. Children are not your sole property. They are innocent individual human beings that may need both of their parents. However, if you seek sole custody we will advocate for that.

7. ADULTERY – Although relationships with others may happen, please understand during marital litigation you should behave as though a detective and camera crew were following you and recording you and your conversations at all times. Please remember that any romantic involvements prior to Final Hearing may expose that individual to potential litigation and involvement in your case.

8. CHILD CUSTODY CASES – You should behave as though a detective and camera crew were following you and recording you and your conversations at all times. Do not do anything that you would not be perfectly happy with a Family Court Judge seeing, hearing or finding out about when the Judge is deciding your custody case.

9. ATTORNEY’S FEES – In a child custody case, you could spend the price of a car in attorney’s fees. This usually includes attorney’s fees, guardian fees, psychological fees and expert witness fees. In a complicated equitable division case, the cost can be significant and sometimes more than a custody case depending on how much property there is to value and the difficulty of valuing assets. The most expensive part of the case is going to be trial preparation and attendance costs. That is why a trial retainer (an "up front" payment) is required in all contested cases. You will see this in your fee agreement and we reiterate here that a trial retainer is required for continued representation.

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# DUNN & MILLER P.A.

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I look forward to working with you to obtain the result you desire.

Sincerely,

Kristian Dunn Esq.  
Dunn & Miller, PA.

I HEREBY CERTIFY that I have read the above and understand all of the contents contained herein.

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CLIENT:

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Date: