



The Briefing De Jure

Brought to you by the Law Office of Natalie Burston
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Types of Attorney Fee Arrangements

The costs of legal services can be expensive and how attorneys fee for services can be confusing. This article is generally explain the 3 main types of fee structures attorneys may offer. The 3 main types and a description are below:

- 1) **Contingency Fees**—This fee type is most commonly seen in personal injury, medical malpractice, wrongful termination, or employment discrimination lawsuits involving a higher money damages. Contingency Fees are usually a percentage of the money awarded to the Plaintiff in a lawsuit. For example, the attorney may charge a 30% contingency fee. If the money awarded is \$1 million dollars, the attorney would receive \$300,000 for services rendered. If the Plaintiff loses the lawsuit and no money is awarded, the attorney would not get a fee; however, the client may still be on the hook for some expenses. If your attorney presents you with a Contingency Fee Agreement, read the Fee Agreement careful to understand the additional costs and expenses you may have to pay besides the Contingency Fee. If you have any questions, consult with another attorney regarding the Fee Agreement. If your attorney tells you that you do not need another attorney to look at the Contingency Fee Agreement, you may wish to find a new attorney for your case.
- 2) **Retainer Fees**—This fee type is sort of like a “down payment” or an “advance” for legal services. The retainer fee is usually placed in a trust account and the attorney deducts the cost of legal services from the account as the costs accrue at the attorney’s hourly rate. Some retainer fees may be non-refundable. For example, an attorney may charge a \$2,000 retainer fee, billable at \$200/hour. If the attorney spends 2 hours worth of legal services, the attorney would deduct \$400 from the retainer fee leaving \$1,600 remaining in the account. Some attorneys use retainer fees as a means of putting the attorney “on call” to handle a client’s various legal problems.
- 3) **Flat Fees**—This fee type is one fee charged for certain legal matters. Typically, flat fees are set by an attorney for legal services that are somewhat standardized (*e.g.* uncontested divorces, expungements, evictions, powers of attorney, wills, criminal defense for summary offenses, etc.). The flat fee may include all costs for filing, postage, copies, and attorney’s travel.

Whatever fee arrangement your attorney presents to you, be sure to read if carefully. Be warned that additional costs (*e.g.* postage, expert fees, copies, etc.) may not be included in the quoted fee. If these costs are not addressed in your fee agreement, be sure to ask the attorney how these costs are handled. If you have any questions, do not hesitate to ask the attorney. If the attorney does not answer your questions with clarity, you may wish to seek a different attorney in representing you.

TIP CORNER

1.

Pennsylvania has 2 Types of Custody:

- ⇒ Legal Custody—the parent’s right to make important decisions regarding the child’s religious, educational, medical, and cultural well being
- ⇒ Physical Custody—where the child will live, how much time each parent gets to spend with child, types of care (including daycare)

Both types of Custody may be sole or joint. Sole Custody means that one parent will make the decisions and will have the child most if not all of the time. Joint Custody means the parents share time with child and make decisions together.

If you are not satisfied with the type of custody you have of your child, seek the advice of an experienced family law attorney. Your attorney can guide you through the Custody Modification process to request a change to your Custody Agreement. Custody Modifications can change the type of custody as well as the amount of time you can have with your child.

I filed for divorce but my spouse refuses to sign the documents. What happens now?

2.

Unfortunately, this situation does occur more than you may think. Pennsylvania uses Divorce Masters instead of traditional Judges. Divorce Masters are court appointed officials and have jurisdiction to decide issues of property distribution and alimony. Divorce Masters operate like Judges and are finders of fact. If you go before a Divorce Master, that IS your divorce trial.

Once you and your Attorney determine to move forward, your Attorney begins the process by filing a Motion requesting the Court to appoint a Divorce Master over your case. There are 3 main stages after the Court appoints the Divorce Master:

1. Telephone Conference between both parties, their Attorneys, and the Divorce Master
2. Pre-Trial Conference
3. Hearing—Keep in mind this IS your “divorce trial”

Be sure to work closely with your Attorney and get all relevant documentation to your Attorney. This will allow your Attorney to ensure that she can get all of the evidence needed “on the record”. **Keep in mind that the Divorce Master proceedings are the only factual record of your case. If you appeal the decision of the Divorce Master, the Court will not hear any new information or evidence. The Court will rely only on the information and evidence presented during the Divorce Master’s proceedings.**