



RETAINER AGREEMENT

1. Names and Addresses of parties entering into agreement.

THIS AGREEMENT FOR LEGAL SERVICES by and between

(you, the Client), and

(the Law Firm)

constitutes a binding legal contract and should be reviewed carefully.

2. Nature of the services to be rendered.

(a) This Retainer Agreement confirms that you have retained this firm as your attorneys to represent you in negotiating an agreement with your husband/wife, if that is reasonably possible; or, if not, to represent you in a matrimonial action.

(b) It is further understood that: (1) The retainer fee does not include any services rendered in Appellate Courts or any actions or proceedings other than the action for which this office has been retained; (2) With respect to the matter which is specified above, this Retainer Agreement and any sums paid to this firm pursuant hereto, do not cover any services relative to any appeal or any other services which might be required following the entry of a final judgment or order, including but not limited to such matters as enforcement or modification. Our representation shall terminate with the entry of final judgment in your matter, unless extended by mutual agreement between us in writing.

(c) The Client authorizes the Law Firm to take any steps which, in the sole discretion of the firm, are deemed necessary or appropriate to protect the Client's interest in the matter.

3. Amount of the advance retainer, if any, and what it is intended to cover.

(a) In order for us to begin our representation you have agreed to pay us and we have agreed to accept a retainer payment of \$. This retainer payment does not necessarily represent the amount of the overall fee which you may incur by virtue of our services. The amount of our eventual fee will be based upon our regular schedule of established hourly time charges, along with any out-of-pocket disbursements (such as court costs, messenger services, transcripts of proceedings, long distance telephone calls, telefaxes, process service fees, mileage, deposition and court transcripts, and excess postage) which are incurred in your behalf.

(b) The Client further understands that the hourly rates apply to all time expended relative to the Client's matter including but not limited to, office meetings and confer-

ences, telephone calls and conferences, either placed by or placed to the client, or otherwise made or had on the Client's behalf or related to the Client's matter, preparation, review and revision of correspondence, pleadings, motions, disclosure demands and responses, affidavits and affirmations, or any other documents, memoranda, or papers relative to the Client's matter, legal research, court appearances, conferences, file review, preparation time, travel time, and any other time expended on behalf of or in connection with the Client's matter.

4. The circumstances under which any portion of the advance retainer may be refunded. Should the attorney withdraw from the case or be discharged prior to the depletion of the advance retainer, the written retainer agreement shall provide how the attorney's fees and expenses are to be determined, and the remainder of the advance retainer shall be refunded to the client.

(a) In the event that we obtain a disposition of your matrimonial matter, either by way of a settlement agreement (termed separation agreement or stipulation of settlement) or by judgment by the court of the issues involved in your case, the aforementioned retainer fee [or the sum of \$] shall also be the minimum fee charged to you, i.e., there will be no refund of the retainer fee [or the sum of \$]. However, notwithstanding the above, if you discontinue our services prior to a disposition of your matter by agreement or judgment of the court, or if this firm is relieved as your attorneys by court order, any unearned portion of the retainer fee you advanced to this firm shall be refunded to you.

An example of how the minimum fee operates is as follows: If the Law Firm resolves the matter with the expenditure of only 4 hours of time by a partner, and 6 hours of time expended by an associate attorney, there would be no refund to the client even though the time charges add up to less than the minimum fee.

Notwithstanding the above, if the attorney-client relationship is terminated without your matter having been concluded, e.g., if you and your spouse were to reconcile and the action was discontinued, or if you were to discharge the Law Firm as your attorneys, or if the Law Firm were to withdraw its representation, a fair and reasonable fee would be determined in accordance with legally accepted standards. At present, the legally recognized elements of a reasonable fee, as set forth in the Code of Professional Responsibility, are as follows:

- The time and labor required, the novelty and difficulty of the questions involved and the skill requisite to perform the legal services properly.
- The likelihood, if apparent or made known to the client, that the acceptance of the particular employment will preclude other employment by the lawyer. (You should know that the Law Firm, by accepting retention as your attorney, is clearly precluded from representing the opposing party against you.)

Michigan Bar Association Lawyer Retainer Manual

CL Gary



Michigan Bar Association Lawyer Retainer Manual:

ABA/BNA Lawyers' Manual on Professional Conduct ,2004 *The Lawyer's Style Guide* Peter Butt,2021-02-25

Clarity and precision in legal writing are essential skills in the practice and study of law This book offers a straightforward practical guide to effective legal style from a world leading expert The book is thoughtfully structured to explain the elements of good legal writing and its most effective use It catalogues all aspects of legal style topic by topic phrase by phrase usage by usage It scrutinises them all suggesting improvements Its dictionary arrangement makes it easy to navigate Entries cover matters such as abbreviations acronyms active and passive voice brackets bullet points citation methods cross referencing fonts document design footnotes gender neutral language numbering systems plain legal language punctuation the use of Latin in law structures for legal advices and documents and techniques for editing and proofreading Also covered are many words and phrases that non lawyers find opaque and obscure the aim being to show that lawyers can usually substitute a plain English equivalent that captures the legal nuances of the legalese Other topics include ambiguity deeds definitions provisos recitals simplified outlines terms of art tone and the various principles of legal interpretation With an emphasis on technical effectiveness and understanding the book is required reading for all those engaged in the practice and study of law

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