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[Home](#)

[Areas of Practice](#)

[Firm Profile](#)

[Attorney Biographies](#)

[Legal Dictionary](#)

[Resources](#)

[Contact Us](#)

[Our Newsletter](#)

[Barker On the Move](#)

[What to Expect at the  
Initial Consultation  
With an Attorney](#)

[Payments](#)

[Directions to Office](#)

### What to Expect at the Initial Consultation With an Attorney

Many people are justifiably concerned about the costs that will be involved in hiring an attorney to pursue their case - and often seek to know those costs in advance of their consultation. It is most important to understand that the cost of pursuing a legal case depends on the work that may be involved - and that work varies widely depending on the type and complexity of the case. In addition to the type and complexity of the case, you should also consider the fee structure and costs involved.

#### Fee and Costs

Attorneys typically bill in three different ways: Flat Fees, Contingency Fees, and Hourly Fees. In most cases with hourly fee billing you will be required to pay a retainer (lump-sum payment of fees) up front. This retainer is used to cover costs that will be necessary in starting your case. These costs can include court filing fees, travel costs, fees for process servers, mailings, paralegal work and more. With hourly fee billing, when the retainer is depleted you will be required to replenish the retainer. Some types of cases can involve a combination of all three billing methods.

The flat fee method of billing is often applied in cases of Uncontested Divorce and in drafting of trust and estate documents such as wills, living wills, health care proxies, powers of attorney and real estate transactions. In these types of cases, the attorney can easily estimate the amount of time and resources she will need to complete a matter. Most attorneys will require you to pay the fee in advance.

Personal injury lawyers often bill on a contingency fee basis. With contingency fee billing, the client pays little or no out-of-pocket costs. The attorney seeks an award of damages for the client. The attorney's fee constitutes a pre-arranged percentage of that award. Contingency fee billing is prohibited in divorce matters.

With hourly Fee billing the client and attorney negotiate a price per hour. Hourly fee billing is often used in contested divorce cases where there are disputes regarding the marital assets, spousal and child support, child custody, and parenting time. Hourly fee billing is also used with civil litigation and criminal matters where there will be multiple court appearances, research and writing and motion practice.

#### The Initial Consultation

When consulting with an attorney for the first time, you should be sure to bring with you all paperwork related to the matter you will be discussing, for example: copies of Court Orders, Prenuptial Agreements, Judgments, and other Contracts. In a Probate case, bring all relevant Death Certificates and Wills. If the attorney has sent you a questionnaire, please fill that out and bring it with you as well.

During your consultation, the attorney will ask about the issues in your case and discuss the merits of the actions and the various ways you can proceed. There will then be a mutual selection process. You will decide if you want to work with the attorney and the attorney will let you know whether she is willing to take your case. If you agree to work together, your attorney should clearly outline the scope of work to be done - for example: drafting documents, settling a dispute, litigating a matter etc.

At the end of the consultation the cost of pursuing your case can now be projected. At this point your attorney will negotiate your fee structure and payment schedule. Also, either at the time of your meeting or shortly thereafter your attorney will provide you with a client retainer agreement and a statement of client rights and responsibilities. Please note that no work will be done on your matter prior to your signing and returning the retainer agreement.