

Permanent Counsel Fees

A divorce decree can facilitate an enforcement order, establish rights for both the parties, award custody and enable visitation rights, grant alimony, and distribute property between the parties. Considering the nature of divorce cases and the work involved in obtaining divorce, legal fees often differ from case to case. The fees can differ from city to city, state to state, and law firm to law firm. Preliminary meetings with counsel usually do not involve laborious effort, and usually amount to sorting the factual details. Courts take consideration of the parties' ability to pay counsel fees before awarding fees. Despite the diversity in statutes, courts apply general principles and carefully analyze the parties' financial status before awarding costs.

Types of fees

Attorneys offer varying kinds of services to the divorce client. They can include basic fees for filing the case, monthly or yearly retainers, individual case retainers, payment arrangements, flat fees for uncontested proceedings, minimum fees for specific parts of the case, expert fees, hourly fees, and out of pocket expenses. Attorneys usually may secure their fees through a lien against marital or non-marital asset of the client and also can accept assignment of clients' wages as payment towards fees. Most law firms accept credit cards for payments.

Counsel's expertise and the cooperation and communication of both parties play a significant role in determining the course of the case. Seeking the right counsel in relation to the estimated case duration should allow the client to choose between temporary counsel and permanent counsel. Cases expected to last a long time are the best candidates for the award of permanent attorney fees. Permanent legal fees are awarded generally in cases where one spouse is financially disadvantaged and has little or no control over the marital property that is to be used to pay legal fees. This is done with the intention to assure equal representation for both spouses.

Conclusion

Although the main criteria for an award of attorney fees are disparity of income or assets and equality of representation, courts generally try to balance the parties' interests before awarding legal fees to a spouse. Attorneys charge lower fees in uncontested divorces than in contested matters because there is much less to do in uncontested cases. Contingent fee arrangements rarely, if ever, are used in divorce matters.