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FAMILY LAW & DIVORCE

Welcome to the Law Offices of Mark E. Reinhold, P. A.

My office specializes in Family and Criminal Law. Family law incorporates many aspects, from domestic violence injunctions, to divorce, to modifications of the Marital Settlement Agreement.

I realize that when an individual has contacted my firm they are about to make a life-changing decision. I am concerned with your well-being and understand the important responsibility with which you are entrusting me. I am also very aware of the finances involved with litigation, and will try to keep your costs and my fees to a minimum.

This packet is an overview of what to expect in commencing a family law litigation matter. If any further explanation is needed, please feel free to contact me.

Respectfully,

Mark E. Reinhold, P.A.

Fees and Costs

Prior to entering into any litigation, each party must be aware of the costs and fees involved. Each party will be responsible for making a payment into our non-interest bearing trust account, also called an IOTA account. This is your money, given to us, to be used in litigation.

You may request an accounting of your trust deposit at any time. The purpose of the trust deposit is to allow us to pay the costs involved in litigating your case. These costs may include filing fees, process server fees, copy costs, court reporter and transcription fees, and fees for depositions. However, this list is not all-inclusive, and other costs may arise.

Attorney's fees are broken down into two categories:

- Initial Retainer - Non-Refundable

The initial retainer is the fee you pay our firm to begin work on your case. This is our fee, it does not include costs, and it is non-refundable. The retainer pays for the first ten (10) hours of our services. Periodically, you will receive a statement informing you of the hours we have expended on your case.

- Secondary Payments

Generally, we will notify you when the balance in the IOTA trust account is below \$500 and provide you with a detailed accounting. **If your balance falls below \$500, a deposit must be made to the trust account, equal to the amount of your retainer.** A client's failure to maintain a balance in excess of \$500 in the trust account could result in our firm requesting to be relieved of representing a client.

This trust deposit is your money, given to us to use for the costs involved with defending your case. We will also deduct fees from the deposit as they are earned. At the conclusion of your case, if all other fees and costs have been paid, the remainder of the money in the IOTA trust account will be refunded to you.

Mediation

Most family law clients will participate in mediation at some time during their case. A client will have two options with mediation: a private mediator, or a court-appointed mediator. A court-appointed mediator is employed by the county and has a time limit of two (2) hours per case. A private mediator can be used at the client's request, and the cost is usually split between the two parties. There is no time limit on a private mediation.

The following is a list of factors for a successful mediation:

- Be open and honest with the mediator. At the client's request, when the other party is not present, all communication shall be confidential and will not be divulged by the mediator.
- Please advise either your attorney or the mediator of any problems or concerns you may have regarding the mediation.
- The mediator is a neutral and impartial party. The mediator may try to inform you what could happen if an agreement is not met during the mediation. As your attorney will be present during the mediation, I will inform the mediator if for any reason we feel he or she is not acting impartially.
- Please be prepared. The more knowledge a client has, the better prepared he or she is to make a decision, which allows the mediation process to go much more smoothly.
- The responsibility for settling any disputes lies with the parties and not the attorneys or mediators. If the parties are unable to reach an agreement, the divorce proceeds to a hearing. Mediation is the best opportunity for the parties to control their divorce proceedings.

Mandatory Disclosure, also called Discovery

When a divorce becomes contested, each party has a right to discovery. Discovery allows each side to determine finances, and to prevent one side from hiding or concealing information. Just as you have a right to discovery, so does the opposing side. Mandatory Disclosure is very inclusive, and will take some time for you to gather the necessary information. In the pages that follow, a checklist is provided. We request that you begin gathering this information *now*. *Please do not wait until it is requested*. This will help your attorney and reduce attorney's fees.

Mandatory Disclosure Checklist

Rule 12.285(d): Parties Disclosure Requirements for Initial or Supplemental Proceedings. A party shall serve the following documents in any proceeding for an initial or supplemental request for permanent financial relief, including, but not limited to: a request for child support, alimony, equitable distribution of assets or debts, attorney's fees, suit money or costs:

- A financial affidavit in substantial conformity with Florida Family Law rules of Procedure Form 12.902(b) if the party's gross annual income is less than \$50,000, or Florida Family Law Rules of Procedure Form 12.902(c) if the party's gross annual income is equal to or more than \$50,000, which requirement cannot be waived by the parties. The financial affidavit also must be filed with the Court. A party may request, by using the Standard Family Law Interrogatories, or the court on its own motion may order, a party whose gross annual income is less than \$50,000 to complete Florida Family Law Rules of Procedure Form 12.902(c).
- All federal and state income tax returns, gift tax returns, and intangible personal property tax returns filed by the party or on the party's behalf for the previous three (3) years.
- IRS forms W-2, 1099, and K-1 for the past year, if the income tax return for that year has not been prepared.
- Pay stubs or other evidence of earned income for the three (3) months prior to service of the financial affidavit.
- A statement by the producing party identifying the amount and source of all income received during the three (3) months preceding the service of the financial affidavit required by this rule if not reflected on the pay stubs produced.
- All loan applications and financial statements prepared or used within the twelve (12) months preceding service of that party's financial affidavit required by the rule, whether for the purpose of obtaining or attempting to obtain credit or for any other purpose.
- All deeds within the last three (3) years, all promissory notes within the last twelve (12) months, and all present leases, in which the party owns or owned an interest, whether held in the party's name individually, in the party's name jointly with any other person or entity, in the party's name as trustee or guardian for any other person, or in someone else's name on the party's behalf.

- All periodic statements from the last three (3) months for all checking accounts, and from the last twelve (12) months for all other accounts (for example: savings accounts, money market funds, certificates of deposit, etc.), regardless of whether or not the account has been closed, including those held in the party's name individually, in the party's name jointly with any other person or entity, in the party's name as trustee or guardian for any other person, or in someone else's name on the party's behalf.
- All brokerage account statements in which either party to this action held within the last twelve (12) months or holds an interest, including those held in the party's name individually, in the party's name jointly with any other person or entity, in the party's name as trustee or guardian for any other person, or in someone else's name on the party's behalf.
- The most recent statement for any profit sharing, retirement, deferred compensation, or pension plan (for example: IRA, 401(k), 403(b), SEP, Keogh, etc.) in which the party is a participant or alternate payee and the summary plan description for any retirement, profit sharing, or pension plan in which the party is a participant or an alternate payee (the summary plan description must be furnished to the party on request by the plan administrator as required by 29 U.S.C. s1024(b)(4).)
- The declarations page, the last periodic statement and the certificate for any group insurance for all life insurance policies insuring the party's life or the life of the party's spouse, and all current health and dental insurance cards covering either of the parties and/or their dependant children.
- Corporate, partnership, and trust tax returns for the last three (3) years if the party has an ownership or interest in a corporation, partnership or trust greater than or equal to thirty percent (30%).
- All promissory notes for the last twelve (12) months, all credit card and charge account statements and other records showing the party's indebtedness as of the date of the filing or this action and for the last three (3) months, and all present lease agreements, whether owed in the party's name individually, in the party's name jointly with any other person or entity, in the party's name as trustee or guardian for any other person or in someone else's name on the party's behalf.
- All written premarital or marital agreements entered into at any time between the parties to this marriage, whether before or during the marriage. Additionally, in any modification proceeding, each party shall serve on the opposing party all written agreements entered into between them at any time since the order to be modified was entered.

- All documents and tangible evidence supporting the producing party's claim of special equity or nonmarital status of an asset or debt for the time period from the date of acquisition of the asset or debt to the date of production or from the date of marriage, if based on premarital acquisition.

- Any court orders directing a party to pay or receive spousal or child support.