



521 Fifth Avenue, Suite 1700
New York, NY 10175
(212) 593-6111
__ Mailing address

2280 Grand Avenue, Suite. 202
Baldwin, NY 11510
(516) 887-1975
X Mailing address

Additional conference offices: Brooklyn, Queens, Bronx, Nassau, Suffolk, Westchester
www.greenbergmerola.com

ENGAGEMENT LETTER (UNCONTESTED DIVORCE)

Dear Client:

Pursuant to our recent conversation, enclosed is a "Statement of Client's Rights and Responsibilities" which you should sign and return to us. Also enclosed is a "Matrimonial Intake Information form" which you should fill out and return to us.

Your legal plan provides coverage (that may have hourly limits) for an uncontested divorce. Also, since you represented that your case was an uncontested divorce we are only agreeing to accept it on that basis.

If your case turns out to be contested, we may stop representing you and/or you may have to retain us privately, depending on your legal plan. If your legal plan has coverage for a contested divorce, we will discuss representation with you when it becomes apparent that the case is contested.

Additionally, as discussed you are responsible for all costs and expenses including but not limited to: court costs, mailing, parking, tolls, etc. You are also responsible for our fee if you go over your hourly limits, should they exist.

If you have any questions please feel free to contact the undersigned at (516) 887-1975 Monday – Thursday 1 – 4:30 pm.

Very truly yours,

Hayley Greenberg

HG:mg
Enc.

STATEMENT OF CLIENT'S RIGHTS AND RESPONSIBILITIES

Your attorney is providing you with this document to inform you of what you, as a client, are entitled to by law or by custom. To help prevent any misunderstandings between you and your attorney please read this document carefully.

If you ever have any questions about these rights, or about the way your case is being handled, once you retain the attorney, you are responsible to ask your attorney. Your attorney should be readily available to represent your best interests and keep you informed about your case.

An attorney may not refuse to represent you on the basis of race, creed, color, sex, sexual preference, age, national origin or disability.

You are entitled to an attorney who will be capable of handling your case; show you courtesy and consideration at all times; represent you zealously; and preserve your confidences and secrets that you reveal in the course of the relationship, to the extent permitted by law. You are responsible to communicate honestly, civilly and respectfully with your attorney.

If you are hiring an attorney you and your attorney are required to sign a written retainer agreement which must set forth, in plain language, the nature of the relationship and the details of the fee arrangement. Before you sign the retainer agreement, you are responsible to read it and ask the attorney any questions you have before you sign the agreement, you are entitled to have your attorney clarify in writing any of its terms, or include additional provisions.

You are entitled to fully understand the proposed rates and retainer fee before you sign a retainer agreement, as in any other contract. The retainer fee you pay to the attorney, as is written in the retainer agreement, may not be enough money to pay for all the time that the attorney works on your case.

You may refuse to enter into any fee arrangement that you find unsatisfactory.

Your attorney may not request a fee that is contingent on the securing of a divorce or on the amount of money or property that may be obtained.

Your attorney may not request a retainer fee that is nonrefundable. That is, should you discharge your attorney, or should your attorney withdraw from the case with Court permission, before the retainer has been used up, the attorney is entitled to be paid commensurate with the work performed on your case and any expenses. The attorney must return to you any balance of the retainer that has not been used. However, your attorney may enter into a minimum fee arrangement with you that provides for the payment of a specific amount below which the fee will not fall based upon the attorney's handling of the case to its conclusion.

You are entitled to know the approximate number of attorneys and other legal staff members who will be working on your case at any given time and what you will be charged for the service of each.

You are entitled to know in advance how you will be asked to pay legal fees and expenses, and how the retainer, if any, will be spent.

You may be responsible at the beginning of the case or before or after the trial to contribute to or pay the other party's attorney's fees and other costs if the Court has ordered you to do so.

The other party may be responsible to contribute to or to pay your attorney's fees, if the Court orders the other party to do so. However, if the other party fails to pay the Court ordered fee, you are still responsible for the fees owed to your attorney and experts in your case.

You are required to pay for court filing fees, process servers as well as fees for expert reports, testimony, depositions and/or trial testimony and you may seek reimbursement from the other party.

If you engage in conduct which is found to be frivolous or meant to intentionally delay the case you could be fined or sanctioned and/or responsible for additional fees.

At your request, and after your attorney has had a reasonable opportunity to investigate your case, you are entitled to be given an estimate of approximate future costs of your case. That estimate shall be made in good faith but may be subject to change due to facts and circumstances that develop during your case. There are no guarantees that the cost of your case will be as originally estimated.

You are entitled to receive a written, itemized bill on a regular basis, at least every 60 days.

You are expected to review the itemized bills sent to you by your attorney, and to raise any objections to errors in a timely manner in writing. Time spent in discussion or explanation of bills will not be charged to you.

You are responsible to be honest and truthful in all discussions with your attorney, and to provide all relevant information and documentation to enable her or him to competently prepare your case. Attorneys and clients must make reasonable efforts to maintain open communication during business hours throughout the representation. An attorney may seek to be relieved as your attorney if you are not honest and truthful with her or him.

You are entitled to be kept informed of the status of your case, and to be provided with copies of correspondence and documents prepared on your behalf or received from the court or your adversary.

Your attorney is required to discuss the following with you: a) the automatic orders that are in effect once either party files a summons with notice; b) the law that provides for the financial support of children, the Child Support Standards Act, if you and the other party have children under the age of twenty-one; and c) the law that provides for the financial support of the parties, the Maintenance Guidelines Statute.

You are responsible to be present and on time in court at the time that conferences, oral arguments, hearings and trials are conducted unless excused by the judge or the part rules of the assigned Judge.

You are entitled to make the ultimate decision on the objectives to be pursued in your case, and to make the final decision regarding the settlement of your case. Your attorney has the right to send you written communications if your attorney disagrees with how you want your case handled.

Your attorney's written retainer agreement must specify under what circumstances he or she might seek to withdraw as your attorney for nonpayment of legal fees. If an action or proceeding is pending, the court may give your attorney a "charging lien", which entitles your attorney to payment for services already rendered at the end of the case out of the proceeds of the final order or judgment. In some cases your attorney may exercise a "retaining lien" which, subject to Court proceedings, may allow them to keep your file as security.

You are under no legal obligation to sign a confession of judgment or promissory note, or to agree to a lien or mortgage on your home to pay for legal fees. Your attorney's written retainer agreement must specify whether, and under what circumstances, such security may be requested. In no event may such security interest be obtained by your attorney without prior court approval and notice to your adversary. An attorney's security interest in the marital residence cannot be foreclosed against you.

You are entitled to have your attorney's best efforts exerted on your behalf, but no particular results can be guaranteed.

If you entrust money with an attorney for an escrow deposit in your case, the attorney must safeguard the escrow in a special bank account. You are entitled to a written escrow agreement, and may request that one or more interest-bearing bank accounts be used. You are also entitled to a written receipt, and a complete record concerning the escrow. When the terms of the escrow agreement have been performed, the attorney must promptly make payment of the escrow to all persons who are entitled to it.

Once your Judgment of Divorce is signed, if you are re-retaining an attorney, you must sign a new retainer agreement.

If you are expecting your attorney to prepare and file documents related the transfer of a house, co-op or lease, that must be specified in the retainer agreement. The signing of an agreement or Court order that transfers title does not transfer a co-op apartment or a house. A separate document must be prepared and filed.

In the event of a fee dispute, you may have the right to seek arbitration pursuant to Part 137 of the Rules of the Chief Administrative Judge where the dispute involves a sum of more than \$1,000.00 or less than \$50,000.00 unless you agree otherwise. Your attorney will provide you with the necessary information regarding arbitration in the event of a fee dispute, or upon your request.

Receipt Acknowledged:

Attorney's signature

Client's signature

Date



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MATRIMONIAL INTAKE INFORMATION (CLIENT=PLAINTIFF)

Instructions:

- 1) We realize this questionnaire is complicated. However, we have tried to make it as simple as possible. Please call if you do not understand anything!! DO NOT FILL OUT INCORRECTLY, **CALL US INSTEAD!**
- 2) Write **LEGIBLY and PLEASE PRINT OR TYPE!!!**
- 3) DO NOT LEAVE ANY BLANK LINES!!!! If answer is no or none, write no or none, or we will think you forgot to read the question.
- 4) You are the Plaintiff, your spouse is the Defendant
- 5) Estimated costs are as follows:
 - \$210 Index #;
 - \$125 Note of Issue;
 - \$20 Court credit card fees
 - \$100 ESTIMATED Process server if spouse is within 50 miles of NYC & is EASY to serve, BUT if spouse will sign a waiver, than \$0;
 - \$100 ESTIMATED Process server to get judgment at end of case, BUT if you want to wait on line & get it, than \$0;
 - \$15 ESTIMATED per each copy of a certified judgment you want; and
 - \$? ADDITIONAL if your case is contested or requires motions.

PLAINTIFF INFORMATION (THIS IS YOU)

Name: First _____ Middle _____

Last _____ Maiden _____

Address: Street _____

City _____ State _____ Zip _____

Date of birth _____ Birth place (City, State, Country) _____ SS # _____

Have you been living in NY for a continuous period in excess of 2 years immediately preceding the commencement of this action? Yes _____ No _____

Group Health Plan information: Plan name _____ Identification # _____

Address: Street _____

City _____ State _____ Zip _____

Plan Administrator (usu. employer) _____ Type of coverage _____

Are you receiving public assistance? Yes ___ No. ___ Highest level of education completed _____

Race _____ Number of this marriage (first, second, third, etc.) _____

For prior marriages, how did they end, i.e. death of spouse or divorce? _____

Do you expect your spouse to agree to this divorce and both of you agree on everything ___ yes ___ no

DEFENDANT INFORMATION (THIS IS YOUR SPOUSE)

Name: First _____ Middle _____

Last _____ Maiden _____

Address: Street _____

City _____ State _____ Zip _____

Date of birth _____ Birth place (City, State, Country) _____ SS # _____

Have you been living in NY for a continuous period in excess of 2 years immediately preceding the commencement of this action? Yes _____ No _____

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Are you receiving public assistance? Yes ___ No. ___ Highest level of education completed _____

Race _____ Number of this marriage (first, second, third, etc.) _____

For prior marriages, how did they end, i.e. death of spouse or divorce? _____

MARITAL INFORMATION

Marriage date _____ Separation date _____

Marriage place (County, City, State, Country) _____

Marriage performed by clergyman, minister or leader of the Society for Ethical Culture: Yes ___ No ___

Is a divorce pending in another court or has a court already terminated the marriage? Yes ___ No ___

Both parties over 18 years of age at time of marriage? Yes ___ No ___

Are there any prior court orders or stipulations concerning the parties or their children? If yes, describe: _____

GROUNDS

Do not fill this out until after you have discussed it with us in detail. YOU SHOULD ONLY FILL IN 1 GROUND AFTER YOU HAVE SPOKEN WITH US!

GROUND 1 IRRECONCILABLE DIFFERENCES

___ YOU MAY ONLY CHOSE THIS IF ALL ISSUES ARE RESOLVED. THERE CAN BE NO FIGHTING ABOUT ANYTHING! You must agree on the economic issues of equitable distribution of marital property, payment or waiver of spousal support, payment of child support, payment of counsel and experts' fees and expenses as well as custody and visitation with the infant children of the marriage have been resolved by the parties.

GROUND 2 MENTAL CRUEL & INHUMAN TREATMENT

___ You must detail at least 3 different acts your spouse did to you on at least 3 different occasions WITHIN THE LAST 5 YEARS. Give approximate date, location, and brief description of what happened.

1. _____

2. _____

3. _____

GROUND 3 PHYSICAL CRUEL & INHUMAN TREATMENT

__ You must detail at least 3 different acts your spouse did to you on at least 3 different occasions WITHIN THE LAST 5 YEARS. Give approximate date, location, and brief description of what happened.

1. _____

2. _____

3. _____

GROUND 4 ABANDONMENT

__ Your spouse left the marital residence over 1 year ago. State approximate date and exact marital address at that time

GROUND 5 CONSTRUCTIVE ABANDONMENT 1

__ Your spouse has refused to engage in marital relations with you and it has been over one year. Give date of first refusal

GROUND 6 CONSTRUCTIVE ABANDONMENT 2

__ Your spouse threw you out of the marital residence more than 1 year ago. State approximate date, and exact marital address at that time

GROUND 7 LIVING SEPARATE & APART 1 YEAR AFTER EXECUTION OF A SEPARATION AGREEMENT

__ Attach copy of agreement

GROUND 8 CONFINEMENT IN PRISON

___ Call us if you feel this applies

GROUND 9 ADULTERY

___ Call us if you feel this applies

**GROUND 10 LIVING SEPARATE & APART 1 YEAR AFTER
JUDGMENT OF SEPARATION**

___ Call us if you feel this applies

RELIEF

In addition to a divorce Defendant also wants:

- ___ Custody of children
- ___ Visitation of children
- ___ Distribution of marital property
- ___ Spousal support
- ___ Child support
- ___ Other (specify) _____

CHILDREN (UNDER 21 ONLY)

1. FIRST CHILD

Name: First _____ Middle _____

Last _____ Date of birth ____/____/____

Address: Street _____

City _____ State _____ Zip _____

ALL OTHER ADDRESSES WITHIN LAST 5 YEARS

Address: Street _____

City _____ State _____ Zip _____

Address: Street _____

City _____ State _____ Zip _____

Address: Street _____

City _____ State _____ Zip _____

Address: Street _____

City _____ State _____ Zip _____

List the names of ALL persons who the child has ever lived with for the past 5 years along with that person's current address. **(This means you, spouse, other children, live in friends, relatives,**

etc.)

Name: First _____ Last _____

Address: Street _____

City _____ State _____ Zip _____

Name: First _____ Last _____

Address: Street _____

City _____ State _____ Zip _____

Name: First _____ Last _____

Address: Street _____

City _____ State _____ Zip _____

Name: First _____ Last _____

Address: Street _____

City _____ State _____ Zip _____

2. SECOND CHILD

Name: First _____ Middle _____

Last _____ Date of birth ____/____/____

Address: Street _____

City _____ State _____ Zip _____

ALL OTHER ADDRESSES WITHIN LAST 5 YEARS

Address: Street _____

City _____ State _____ Zip _____

City _____ State _____ Zip _____

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List the names of ALL persons who the child has ever lived with for the past 5 years along with that person's current address. **(This means you, spouse, other children, live in friends, relatives, etc.)**

Name: First _____ Last _____

Address: Street _____

City _____ State _____ Zip _____

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Address: Street _____

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Address: Street _____

City _____ State _____ Zip _____

Name: First _____ Last _____

Address: Street _____

City _____ State _____ Zip _____

3. THIRD CHILD

Name: First _____ Middle _____

Last _____ Date of birth ____/____/____

Address: Street _____

City _____ State _____ Zip _____

ALL OTHER ADDRESSES WITHIN LAST 5 YEARS

Address: Street _____

City _____ State _____ Zip _____

Address: Street _____

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List the names of ALL persons who the child has ever lived with for the past 5 years along with that person's current address. **(This means you, spouse, other children, live in friends, relatives, etc.)**

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Name: First _____ Last _____

Address: Street _____

City _____ State _____ Zip _____

4. FOURTH CHILD

Name: First _____ Middle _____

Last _____ Date of birth ____/____/____

Address: Street _____

City _____ State _____ Zip _____

ALL OTHER ADDRESSES WITHIN LAST 5 YEARS

Address: Street _____

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Have you participated in any other litigation concerning any child's custody? Yes ___ No ___

Is there any other litigation currently pending concerning any child's custody? Yes ___ NO. ___

Does anyone not a party to this proceeding have physical custody of the children or does anyone claim to have custody or visitation rights regarding these children? Yes ___ No. ___



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Name: First _____ Middle _____

Last _____ Date of birth ____/____/____

Address: Street _____

City _____ State _____ Zip _____

ALL OTHER ADDRESSES WITHIN LAST 5 YEARS

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City _____ State _____ Zip _____

Name: First _____ Last _____

Address: Street _____

City _____ State _____ Zip _____

Name: First _____ Last _____

Address: Street _____

City _____ State _____ Zip _____

Name: First _____ Last _____

Address: Street _____

City _____ State _____ Zip _____

4. FOURTH CHILD

Name: First _____ Middle _____

Last _____ Date of birth ____/____/____

Address: Street _____

City _____ State _____ Zip _____

ALL OTHER ADDRESSES WITHIN LAST 5 YEARS

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