

# TESTIMONY NEW REQUEST PACKET



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*Trusted experts since 1985*

# TESTIMONY NEW REQUEST PACKET

This document is meant to be a guide to help attorneys know what they must provide to retain our services. As always, we welcome phone calls. We are glad to discuss the specifics of your case and what information we would need from you to get started.

Contents of this packet:

- Checklist detailing what we need and how to submit it;
- Request form; and
- Explanation of our requesting attorney policy.

## ***Retention Overview***

To retain our services, you must provide the information detailed in the checklist. Once we receive the request form and the retainer, we will reach out to you to schedule a call to discuss your case.

## **EXPERT TESTIMONY POLICIES**

We will provide an expert witness on a priority scheduling policy of “first come, first served” based on receipt of the retainer fee. In the event of conflicts, we will attempt to offer you an alternative time or method of testimony. We cannot guarantee a witness unless the retainer fee has been paid in advance.

### ***Alternate Methods***

If your jurisdiction allows, we can provide scheduled telephone testimony, video testimony or deposition. The retainer required for these methods is \$750, if our expert does not have to leave our office. If travel is required, the usual fee of \$1,500 applies.

### ***Stand By or On Call***

If the appearance of the expert witness is very much in doubt, this may be an alternative to worrying about unnecessary charges for travel and waiting. However, the retainer fee to hold the time and cancellation charges will still apply.

### ***Attorney Responsibilities***

It is the attorney's responsibility to request the witness and pay the retainer fee in advance. It is also the responsibility of the attorney to cancel or reschedule the witness as soon as the change is known. For possible last-minute changes where the witness would be traveling outside normal business hours, the attorney will obtain the home and cell phone numbers of the witness so they may be contacted directly. Please be especially cautious of Monday morning appearances that require early departure times.

Only attorneys may retain our services. Although our company employs attorneys, we do not represent clients or perform any services for non-lawyers. If you are a party in a divorce and wish to use our services, please have your attorney contact our office.

# ATTORNEY CHECKLIST FOR TESTIMONY

## 1 To retain our **testimony services**, you must provide the following:

- Request Form:** The Testimony Request Form can be found on the next page of this packet or at our [website](#). If you would like to complete this request online rather than using this downloaded form, visit our [online portal](#).

**Prepayment:** We require the full \$1500 fee before we will appear. You may send a check by mail or [pay online](#).

*Please note, if we do not receive the two items listed above within 45 days, we will consider ourselves not to have been retained.*

## 2 Once you gather the information above, submit the request.

Email: [admin@qdrogroup.com](mailto:admin@qdrogroup.com)

Mail: 780 East Smith Road, Medina, OH 44256

## 3 Once we receive the request form and the retainer, we will reach out to you to schedule a call to discuss your case.

# TESTIMONY REQUEST FORM

The fee for expert testimony is a flat \$1,500 per day. As a retainer, we require full payment in advance in order to guarantee an appearance. This fee can be paid by check or by credit card through our [website](#). This fee includes preparation and travel time as well as the time at court, both waiting and testifying. Additional charges will apply if the witness is needed for a second day. If the expert appears but is not called to testify, charges will still apply and any re-scheduling would trigger a new appearance retainer and scheduling priorities.

An additional fee of \$250 will apply when making a "last minute" request for testimony. This fee applies in all next-day situations and in other circumstances when we deem it appropriate.

## Cancellation and Rescheduling Policy

Rescheduling should be done as soon as possible. There will be no charge for rescheduling; however, previously scheduled appearances will take precedence. Cancellation and rescheduling must be handled by actually speaking to an associate at QDRO Group; rescheduling should be followed by confirmation in writing. The fee schedule for cancellations are as follows:

- Within 24 hours of the scheduled appearance - \$500
- Within 2-5 business days of the scheduled appearance - \$250
- More than 5 business days before the scheduled appearance - \$150/hour for time spent on preparation (e.g. phone calls, calculations, suggested language)
- If the appearance is cancelled prior to any preparation occurring, a full refund will be provided.

Cancellations that occur when the expert witness is in route will be billed at the \$500 fee plus \$150 per hour for the travel time.

## Counsel Information

- Requesting Attorney \_\_\_\_\_ Client \_\_\_\_\_
- Opposing Counsel \_\_\_\_\_
- Opposing Counsel Expert \_\_\_\_\_

## Hearing Information

- Court \_\_\_\_\_ Judge \_\_\_\_\_
- Courthouse Address \_\_\_\_\_
- Date \_\_\_\_\_ Time \_\_\_\_\_

## Describe the Main Issue Requiring Testimony

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## Requesting Attorney Signature

I have verified the date, time and location for the testimony of QDRO Group/Pension Evaluators' expert witness for the above noted case and have read and accept the costs and responsibilities attached.

• Signature \_\_\_\_\_ Date \_\_\_\_\_

# RETENTION/REQUESTING ATTORNEY POLICY

We can only be retained by attorneys; we do not work directly with divorcing parties or other lay people. This policy sets forth the general framework that we use when working with attorneys.

## General

- When we are working on a matter (e.g., a valuation of a retirement benefit, drafting an order to divide a retirement benefit, legal services, etc.), we only consider one attorney to be our client. We refer to our client as the “Requesting Attorney.” As you will see, the Requesting Attorney is instrumental in our process. As such, if you are the Requesting Attorney, you will need to be engaged and responsive throughout the process.
- We only have a single Requesting Attorney because it simplifies the process and it helps to avoid conflicts of interest on our end. Both attorneys can, of course, cooperate on the matter. However, we will only treat a single attorney as the Requesting Attorney.
- Unless instructed otherwise, the Requesting Attorney will be:
  - Our main contact person regarding the matter;
  - The party we will take direction from;
  - The party we will contact for any necessary fees or information;
  - The party who will receive our work product; and
  - The only party that we will provide full details of our services.
- Information that we will provide to interested parties who are not the Requesting Attorney (i.e., the plan participant, the alternate payee, and/or opposing counsel):
  - A general outline of the service we are providing and how that service fits into the divorce case.
  - A general update of the matter (e.g., we have received the necessary documents and we are moving forward, we need more information from the plan, the order will be finalized soon, etc.).
  - Unless explicitly told otherwise by the Requesting Attorney, we will **NOT** provide interested parties with specific dates that we received information, the specific dates that we completed any work, or any discussions that have occurred with the Requesting Attorney.
- Documents we will provide to the attorney opposed to the Requesting Attorney (“Opposing Counsel”):
  - Publicly available documents such as executed court orders;
  - A copy of our draft order or some other document we produced—if we are aware Opposing Counsel has already received a copy;
  - Any document that the Requesting Attorney has expressly authorized us to provide to Opposing Counsel, including our final work product;
  - Except as listed above, no other documents.

## Retention

- We consider the first attorney who sends us the minimum prepayment for retention (e.g., \$200 for a division order or \$400 for legal services) **AND** submits a completed request form to be the Requesting Attorney for the service sought.
- We may have more than one Requesting Attorney for a single divorce case. For example, the first spouse’s attorney may hire us to draft an order dividing that spouse’s 401(k) benefit. In that same case, the second spouse’s attorney may hire our services to draft an order dividing that spouse’s pension benefit. In this example, although the orders are being drafted for the same divorce case, each attorney is the “Requesting Attorney” for the order being drafted for their respective client’s retirement benefit.
- For our services, the limitations on Requesting Attorney is as follow:

- Drafting a division order—one Requesting Attorney per **order**.
- Valuation Services—one Requesting Attorney per **spouse**.
- Legal Service—one Requesting Attorney per **case**.

## When the Original Requesting Attorney Leaves the Case

- If we received a request to do work by one Requesting Attorney but we close the file without completing any work, we will treat any subsequent request as a new request (i.e., we will not use any information from the original request and the attorney for any party can be the new Requesting Attorney).
- If we completed some work on a case and the Requesting Attorney leaves the divorce case but his/her client has retained a new attorney, the new attorney can take over as the Requesting Attorney for our services.
  - We will need some sort of proof that the new attorney is representing the client of the original Requesting Attorney (e.g., a copy of the substitution of counsel/notice of appearance).
  - In this situation, we will provide the new Requesting Attorney with any reports, orders, or separation agreement language that we have completed. However, without express permission from the former Requesting Attorney, we will not disclose any communications (oral or written) we had with the original Requesting Attorney.
- If the original Requesting Attorney leaves the case and the Opposing Counsel wants to become the Requesting Attorney, we can only make that change if: 1) the original Requesting Attorney gives express consent to the Opposing Counsel becoming the new Requesting Attorney; or 2) the original Requesting Attorney informs us, in writing, that he/she no longer represents the party from the case in question and that party/party's new attorney informs us it is okay to work with Opposing Counsel.
  - Again, we will provide the new Requesting Attorney (the former Opposing Counsel) with any reports, orders, or separation agreement language that we have completed. However, without express permission from the former Requesting Attorney, we will not disclose any communications (oral or written) we had with the original Requesting Attorney.

## Completed Work

- If Opposing Counsel asks us questions on any work that we have completed (e.g., orders, valuation reports, etc.), we will explain what the language in the document means and answer general questions. However, unless we have the express permission of the Requesting Attorney, we will not explain the decisions made or communications that led to the use of the language.
- If the Requesting Attorney asks for any changes to be made to an order or other documents, we will make the changes—depending on the changes, there may be an additional fee.
- If the Opposing Counsel requests changes to an order or other document we prepared, we will only make the changes if said changes are required by the court and/or the applicable retirement plan. After we make the changes, unless instructed otherwise, we will send the amended order or other document to both the Requesting Attorney and Opposing Counsel.
- If we need to use numbers from one of our evaluation reports to effectuate the parties' intent in a division order but the Requesting Attorney for the report and the order are different, we must have permission to use the numbers.
  - We will make an exception if the numbers have been incorporated in the final decree/separation agreement.