

## DISBURSEMENTS EXPLANATION

### Dibble & Miller, P.C.

*If you retain Dibble & Miller, P. C. to represent you, you will be responsible for the payment of disbursements. Disbursements are charges for expenses incurred by the Firm on your behalf, other than attorney or paralegal professional time. Disbursements are billed separately and in addition to any retainer you have paid, or will pay, for the matter the Firm is handling for you (in other words, your retainer will not be used to pay disbursements).*

Some typical disbursement charges are for faxes sent and received on your behalf, copying charges, postage in excess of the current First Class Rate, computerized legal research, and messenger services. Other services that are billed include any records search (e.g., corporate names, DMV, NYS Department of State or tax records), Court Reporters for depositions, transcription costs and court filing fees. A list of the commonly incurred disbursements is set forth below.

Facsimiles Require Special Handling. Because of the expense associated with faxes that are received and sent, there is a charge made to compensate for fax machine maintenance, for consumables used in receiving and sending faxes (paper and toner), for the time that a staff person spends handling the fax (e.g., copying, filing, recording the receipt and sending of the fax, etc.), and, for faxes received, for distributing the fax to the recipient for immediate review. Because there is a possibility that any fax that is received could be an emergency, every fax that is received must be processed as if it is urgent. If you wish to avoid these charges, simply mail or deliver the information to us.

Payment of Disbursements. Often, the cost of disbursements such as transcripts, filing fees, medical records, and outside services must be paid in advance by the Firm. Therefore, it is the policy of the Firm to request payment from the Client in advance for such disbursements. The Firm is sensitive to the Client's need to budget for expenses, and we attempt to notify Clients prior to incurring large disbursements. However, often the Firm has to incur a large expenditure without the Client's prior consent. This disbursement must nevertheless be paid by the Client upon receipt because the Firm has either paid, or incurred the duty to pay, the disbursement.

### Examples of Estimated Disbursements for Certain Matters

Public Records Search. The cost of public record searches range from a low of \$5 for a simple NYS Motor Vehicle conviction record, to a high of several thousand dollars for a complete asset search of an individual or corporation. The typical NYS and Monroe County judgment, lien, and bankruptcy searches cost an average of \$250—\$400. Sometimes, costs are based on the volume of information contained in the search results, and therefore cannot be determined in advance.

Computerized Legal Research. The amount billed for computerized legal research depends on the computer services utilized by the Firm.

If the Firm utilizes computer services that are billed to the Firm by the service provider at a fixed monthly rate, the Client will be billed a fixed charge of \$50.00 per month for each Client Code for which such computer services are utilized during the month. In other words, if any legal research is done pertaining to a Client Code during the month utilizing a fixed-monthly-rate computer-service provider, the Client will be billed \$50.00 for that Client Code for that month for the use of those computer services, no matter how much time is spent using the computer services. This monthly charge is in addition to the professional time of the attorney or paralegal who does the research. All computerized legal research pertaining to New York State Law, and most computerized legal research pertaining to Federal Tax Law, is done using a fixed-monthly-rate computer-service provider.

If the Firm utilizes computer services that are billed to the Firm by the computer-service provider other than at a fixed monthly rate, the Client will be billed at the rate of 125% of the cost incurred by the Firm for the use of the computer services (which is typically approximately \$5.00 per minute), and this charge, also, is in addition to the professional time of the attorney or paralegal who does the research. The Firm rarely uses computerized legal research that is billed on a per minute basis. These services are used for research involving non-NYS Law, Federal Law, U.S. Court information (utilizing the "Public Access to Court Electronic Records" system, i.e., the "PACER" system) and obtaining information from NYS agencies, e.g., NYS Department of State, NYS Department of Motor Vehicles, NYS Police Departments, and NYS Court information. Also, this service is used for general research, magazines and newspaper articles, and books, law review articles and commentaries by learned legal writers about law, etc.

Tax Matter. If you have retained the Firm to represent you for a tax matter, it is not unreasonable to expect that the disbursements for copy and fax costs could be approximately \$25 to \$150 incurred over the life of the case.

Litigation Matter. If you have retained the Firm to represent you for a litigation matter, it is anticipated that you will incur the litigation costs set forth below in the rows entitled "Litigation". In addition, it is not unreasonable to assume that disbursements for copy and fax costs could be approximately \$50 to \$300, depending on the volume of paperwork, and the length and complexity of the litigation.

Transcripts are an essential part of litigation. There is usually one or more transcripts involved in every litigation if there is a deposition, motion, hearing or trial. Court Reporters charge a fee of approximately \$2.00 per page of transcript (the charges vary depending on the Court Reporter utilized) and charge an additional fee if they have to travel. Typically, a transcript of a motion costs approximately \$40 to \$75, and a transcript of a deposition, hearing or trial costs approximately \$200 to \$400 for a half day of testimony, and approximately \$400 to \$800 for a full day of testimony.

Projected Disbursements. Set forth below is a list of typical disbursements. If there is a check mark before an item, it is projected to be incurred. If an item is not checked, this does not mean that this expense will not be incurred. All monies received for disbursements before any dis-

bursement is incurred will be placed in the Firm’s escrow account and will be used for the payment of disbursements. However, if a disbursement has been incurred by the Firm before it has been reimbursed by the Client, then, when the Client pays the Firm for any disbursement, such payment may be placed in the Firm’s operating account as a repayment to the Firm for such disbursement.

Any money placed in the Firm’s escrow account by, for, or on behalf of, a Client may be used for any disbursement incurred by the firm whether or not the money was originally received for disbursements or for an item checked below. In other words, any money received by the Firm from the Client, or on the Client’s behalf, may be used to pay any amount owed to the Firm for any disbursements even if the money was originally sent to the Firm to pay a particular disbursement or for another purpose.

The first set of disbursements are generally incurred by all clients. The second set of disbursements are incurred depending on the nature of the matter for which the Firm was retained.

### **Partial List of Disbursements**

(This list is not all inclusive.)

#### **Part 1 - Disbursements Generally Incurred by All Clients**

	<b><u>Description</u></b>	<b><u>Charge</u></b>
X	Copying	\$ 0.20 per page
X	Fax Received or Sent	\$ 1.00 per page
X	Messenger Deliveries	\$ 15.00 per trip (for local trips + mileage for non-local trips)

Check Projected  
Disbursements



#### **Part 2 - Disbursements that May Be Incurred**

	Computer Legal Research—NYS Law	\$ 50.00 per month (see comment above)
	Computer Legal Research—Non-NYS Law	\$ 5.00 ± per minute (see comment above)
	Medical Records Retrieval	\$ 0.75 per page (see NYS Public Health Law § 17)
	Litigation—Transcription	\$ 2.00 ± per page (varies for each Court Reporter)

#### **Part 3 - Disbursements that May Be Incurred and for Which Fees are Requested**

	Bankruptcy, Chapter 7	\$ 200.00
	Bankruptcy, Chapter 13	\$ 185.00
	Litigation—Legal Recording	\$ 65.00
	Litigation—Index Number	\$ 170.00
	Litigation—Request for Judicial Intervention	\$ 75.00
	Litigation—Note of Issue for Non-Jury Trial	\$ 25.00
	Litigation—Note of Issue for Jury Trial	\$ 75.00
	Litigation—Service of Process	\$ 25.00—\$65.00 per service (depending on location)
	Litigation—Notice of Appeal	\$ 50.00
	<b>Total Amount of Disbursements Checked in <u>Part 3</u>:</b>	\$

Disbursements Explanation . . .

Please sign below to indicate that you understand and accept the terms and conditions outlined above. The disbursement charges set forth herein supersede those set forth in the Law Firm Retainer Agreement and are subject to change, without prior notice, as such expenses increase.

Dated: \_\_\_\_\_

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**Print Name(s)**

**X**

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**Signature(s)**