

FAMILY COURT LITIGATION SUPPORT SERVICES

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For over 37 years I have had the privilege of practicing family law in South Carolina in what I consider to be three distinct “phases” – for the first 25 years (Phase I) I was a sole practitioner in a private law practice with an emphasis on family law; for the next 10+ years (Phase II) I was a family court judge; and for the past 2 ½ years and counting (Phase III) I’ve engaged in a fulltime, statewide ADR practice.

All three “phases” have been exceptionally challenging for me; and the experiences I’ve gained from the constant ebb-and-flow of my family law practice over these years have (hopefully) given me some unique insights not only as to the “practical” side involved with the complexities of the practice of family law (e.g., the initial preparation of a case through the pre-trial/settlement stages and, ultimately, into the courtroom for trial, through the judge’s decision-making process), but also in understanding and managing a client’s expectations versus a realistic resolution of that client’s case.

Having now been removed from the courtroom experience as I have continued to work in building and maintaining an ADR practice, I have also felt compelled to create a support service for my fellow family law attorneys which could creatively, effectively and efficiently assist them in formulating their family court-related litigation strategies and planning, beginning with the client’s earliest, pre-hearing stages and continuing throughout all of their subsequent litigation stages.

With that stated understanding, I have now created “**Family Court Litigation Support Services**”, and this is my present plan:

Services offered:

- **At your pre-temporary hearing stage I would meet with your client and you, in your office, in the preparation of your temporary hearing notebook and in preparing your client for the various outcomes that might result from your presentation at this hearing stage.**

Although this is certainly no news to you, to a family court judge it is never the quantity of affidavits and quantity of financial materials which matters to the court, but rather, the quality and source of your affidavits and “financials”. Attorneys and their clients waste far too much time in gathering repetitive and superfluous affidavits from family members and friends which will have “zero” bearing on the outcome of this critical stage of your case under the false assumption that you can prevail by the sheer volume of documents (when, in fact, the “volume” is absolutely counterproductive inside a courtroom; notwithstanding that it is also a waste of your client’s money and resources). Knowing what you want to accomplish at a temporary hearing, and then maintaining a keen focus on what you actually need in order to accomplish that objective will help you achieve two important goals: first, your prospects for success are greatly improved, and, second, the attorney’s immediate and long-term reputation with your family court judge will be enhanced.

- **During the pre-trial stages (or, broadly put, during all stages prior to your final hearing) I would be available to assist you with the actual crafting of any motions, briefs, memoranda, and/or legal research on any point or issue which you felt was an essential part or stage of your client’s case. I would also assist you with your preparation, or your client’s preparation, for any deposition(s) or your argument(s) on any motions.**
- **I would prepare your client for his or her mediation, and I would make certain your client had a thorough, working knowledge of the mediation process. As for this aspect of my services, let me emphasize the obvious – a settled case and a satisfied client will bring you more referrals and enhance your reputation.**

Too often I have encountered a mediation where the attorney simply advised the client to “show up” at the mediation and that the “mediator will talk to both parties and try to help settle the case”. In other words, there has been no effort by the attorney to prepare the client in advance in understanding the purpose and benefit of reaching a full settlement at the mediation. Part of my services would be to come to your office, meet with you client(s), and make certain they were completely knowledgeable about the mediation process and were prepared to fully engage in this process (this also removes the typical apprehensions which I have observed in parties who are overwhelmed with the entire litigation process because they have not been thoroughly prepared in advance).

- **I would assist your client and you with a candid and thorough evaluation of any settlement offer(s) which were made by the other party, or which you intended to send to the other party.**

- **At or near the trial stage, I would meet with you to assist in the actual preparation for trial, helping you evaluate and address any potential weaknesses in your case. If requested by you, I would appear with you at trial, not as an “attorney of record”, but rather to offer advice and counsel as the trial progressed (I would not be able to actually participate in conducting the questioning or cross-examination of witnesses).**

Fees for services:

- **\$100.00 per hour** for all in-office and in-court services, with an itemized invoice for services rendered. The attorney controls all stages regarding my becoming involved in your client’s case, and you can limit or expand my involvement in your case as you see fit.
- **A one-time \$50.00 fee for a “travel expense” for any case outside of Anderson County**, essentially to cover the cost of gasoline. Note: if my services are engaged for an out-of-county case, then, with the sole exception of this one-time fee, there would not be any “additional travel expense” fee charged, regardless of the number of times I had to travel to your office or to the courthouse.

IMPORTANT DISCLAIMER:

In providing these litigation support services I am actually being “employed” by the attorney, and, consequently, I would rely upon the attorney for the payment of my fees. Furthermore, I will have prepared a “disclaimer” for your client(s) and you to sign which acknowledges that, while I will be ethically obligated and bound to maintain your attorney-client privilege on all matters involved in your case, I would not be considered your client’s “attorney of record” at any stage of your case. Rather, your client will be acknowledging that I am working to assist you, the attorney; and I would have to be given full and complete immunity by your client from any professional liability involved in your case.

Summary:

In the near future I will be creating a “link” to my existing website for this purpose; however, you can continue to reach me at the telephone number and e-mail address above.

With my kindest regards to you all,

Barry W. Knobel

