

Form 2-3: Engagement Letter – Evergreen Retainer

[Date]

Re: Commonwealth v.

Dear Mr.:

This letter confirms that the law firm of Thomas Farrell & Associates has agreed to represent you in connection with your prosecution by the District Attorney's office for Allegheny County at the above case number. Consistent with our ethical obligations and what we have found to be sound practice, this letter will define our mutual responsibilities during the course of the representation.

SCOPE OF REPRESENTATION

We have agreed to represent you in the defense of the criminal prosecution at Cr. No. 04-000 through trial and sentencing.

It is understood and agreed that this agreement does not cover any appeals which you may wish to undertake. Any appeals would only be undertaken upon execution of a mutually satisfactory appellate representation agreement. It is further understood that in the event this matter is pursued through trial, this representation agreement does not cover re-trials or new trials and such re-trials and new trials will be undertaken only upon a mutually agreeable representation arrangement.

Thomas Farrell & Associates does not represent you in connection with any other matter, civil, criminal, or administrative. Any such additional representation will be the subject of a separate engagement letter.

It is understood and agreed that Thomas Farrell & Associates has made no promise or guarantee as to the eventual outcome of the criminal charges, and that this agreement is not based upon any such promises or anticipated results.

CASE MANAGEMENT AND FEES

[Replenish below specific amount: It has been agreed that we will use our best professional efforts to obtain a resolution satisfactory to you. In return, you have agreed to pay an initial retainer in the amount of \$10,000. The retainer will be refunded, to the extent it has not been utilized in fees and costs related to your representation, upon resolution of this matter. We have informed you that, by law, all interest earned on this retainer will be paid automatically to the IOLTA program of Pennsylvania. Should the retainer drop below \$5,000, you agree to replenish it to \$10,000 within two weeks of notice from us.]