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Dear Parties:

This office has been contacted about the preparation of a Qualified Domestic Relations Order. A QDRO is a court order separate from the divorce decree that is needed to divide most retirement plans. It includes provisions required by the federal tax code and the Employee Retirement Income Security Act (ERISA). The fee is \$850 for the first order. If more than one plan were being divided, the fee for the subsequent orders would be \$650 each. This fee includes our drafting the QDRO, obtaining pre-approval, party signatures, court signatures and serving the QDRO on the plan administrator.

We work directly with the two of you, and whenever possible, we will communicate by email. If you prefer to receive communication by US mail, please let us know. Unless otherwise instructed, we copy the attorneys on correspondence only if there is an issue we think they should be aware of. If, in the course of drafting the QDRO, we have a question about how to interpret the judgment as it relates to the QDRO, we will address that question to both of you, regardless of which party retained this firm or which party is paying the fee. *Please be advised that there is no attorney-client privilege for communications between you and this firm. Information you provide to us will be shared.*

Here is a brief outline of the process:

1. Once we receive the information and payment, we draft and submit the QDRO to the plan administrator to review. We do not have control over how long the plan administrator will need to review the QDRO. We docket the file for follow up in eight weeks, and begin calling and writing to the plan administrator if we have not received a response by then. Please note that some administrators have started charging a fee to review and implement savings plan QDROs. Such a fee will be the responsibility of the parties. We will do what we can to minimize that fee.
2. When the QDRO has been pre-approved, we send it first to the Plan Participant (the person whose Plan is being divided), for review and signing, and then to the Alternate Payee (the person receiving the distribution from the Plan).
3. We will then submit the signed QDRO to court to be entered as its order. The court can enter a QDRO without signatures, after a hearing. If my presence in court is required (as a witness - I do not represent either of you and will not advocate for either of you) I will charge \$350/ hour in addition to the fee for preparing the QDRO.

Once the QDRO has been signed by the court, we serve a certified copy on the plan administrator (the entity in charge of the retirement plan). **When the QDRO has been served on the plan administrator, this office closes its file, and you deal directly with that entity to direct how the benefit is to be paid out.** In the rare event a QDRO is not accepted following service on the plan administrator, we will make the requested changes for no additional charge. It is our policy to shred

the file shortly after completion. We will keep an electronic copy, but as technologies change, we cannot guarantee the file will be accessible.

Generally, the retirement plan to be divided is not precisely identified in the judgment. It is your responsibility to assure that we are dividing the proper plan. It is also your responsibility to review the QDRO and to resolve any questions before you sign. I will do my best to answer any questions you may have about the terms contained in the QDRO. However, each of you is encouraged to consult with your lawyer if you have any uncertainty about how the judgment should be interpreted.

The Plan rules govern how the award can be paid. Not all plans permit an immediate lump-sum distribution. We draft the QDRO broadly, so that the Alternate Payee can choose any payment option the Plan permits.

We will need the following before we can prepare the QDRO:

1. Payment in full
2. Completed data sheet;
3. **YOU MUST INFORM US IF YOUR ADDRESS CHANGES.**

The QDRO process should not be delayed. Benefits can be lost, or severely limited, if the Participant retires before the QDRO is served. The Plan is not obligated to place a freeze on the retirement benefit until it receives a court order. If you are concerned about this, you should ask your lawyer to seek a restraining order against the plan to freeze the assets while the QDRO is being drafted.

In order to prepare the QDRO we need your cooperation in providing the materials and information outlined above, and can only move as quickly as your cooperation permits. If in the course of preparing, or attempting to prepare, the QDRO it seems to me that non-cooperation or disagreements concerning the terms of the QDRO are creating unreasonable delay, we may suggest to the parties that a court determination concerning required cooperation and/or any disagreements is necessary. Should we do so, it will take the form of a letter which both parties will receive. The mechanism through which a court determination is accomplished is by filing a motion for contempt with the court that heard and decided your divorce. You should understand now, and we will reiterate the point if and when we suggest that a court determination be sought, that by suggesting that a contempt motion be filed I am offering no assessment whatsoever that either party is, in fact, in violation of any legal duty arising from the divorce judgment.

It is important for you to understand at the outset what role I can and cannot play in the process of preparing the QDRO and ultimately having it approved as the court's order. I cannot, and am not, undertaking to act as an attorney for either of you individually. I do my best to draft a QDRO that is consistent with the court's judgment. However, I am not the judge, and my interpretation may differ from yours. If you have any questions about how the judgment should be interpreted in relation to the QDRO, you should consult with your matrimonial lawyer. While I am happy to explain my interpretation and thinking, either to you directly or to your matrimonial attorney, I cannot act as an attorney for either party in this matter if, and to the extent that, disagreements arise between you concerning the manner in which the QDRO should be drafted or implemented. Ultimately, if there is disagreement concerning implementation of the Order, which cannot be resolved between yourselves, the disagreement will have to be resolved with the assistance of your matrimonial lawyers or through a decision by the court, and I will proceed with preparation and processing of the QDRO in conformity with whatever resolution is reached.

This office does not draft the QDRO until we receive the requested information and are paid in full. Please feel free to call if you have *any* questions about this letter. You may also wish to view our web site, [www.ctqdros.com](http://www.ctqdros.com), which provides answers to frequently asked questions about QDROs.