

A "retainer" is a type of payment made from a client to a lawyer for their legal services. The client makes an advanced payment to the lawyer before the lawyer begins working on their case. The lawyer puts these funds in a trust account. This is somewhat like a down payment, from which the lawyer can draw funds for their fees and costs (filing fees, witness fees, etc...) as the case proceeds. Retainer fees are the more traditional way of paying for legal services. As the lawyer does work for the client, the lawyer bills against the retainer at their hourly rate, whatever it may be. The lawyer may also use retained funds in order to pay filing fees or to pay a process server. As a retainer is used up by the lawyer's work, it traditionally needs to be replenished in order for the attorney to continue to work on the client's case.

A retainer varies in size depending on the amount of work the lawyer thinks the matter is going to require, the hourly rate of the lawyer, and other costs that that might occur. A retainer is not an overall estimate of the amount of money that the lawyer thinks the matter is going to cost. At the end of the matter, any money remaining in the client's retainer is returned to the client.