



CBA LAWYER-CLIENT FEE DISPUTES PROGRAM STEP-BY-STEP GUIDE¹

1. Pre-CBA Involvement:

- a. Reach out to the other party -- in writing -- to see if the issues are the result of a miscommunication or misunderstanding that can be resolved in good faith without outside assistance.
- b. Review the Tips for Program Communications, Program Rules, and other resources on the program website: ctbar.org/feedisputes

2. Petition: To request program services and start the process, fill out and submit a Petition for Resolution of Fee Dispute form and a Statement of Facts form.

- a. List yourself as the Petitioner and the other party to the dispute as the Respondent.
- b. You will need to decide whether you would like to participate in mediation, arbitration, or both. To help you choose, you may want to read the guide on Selecting Mediation or Arbitration on the program website.

3. CBA Review of Petition: The CBA will review your petition for completeness and do a preliminary check that the dispute falls within the program scope.

- a. If your petition is accepted, the CBA will send a letter to both you and the other party with an assigned file number. A copy of the Petition, a blank Respondent Agreement Form for the other party, and the Program Rules will be included with that letter.
- b. If your petition is not accepted, the CBA will contact you letting you know the reason.

4. Respondent's Agreement: The Respondent, (the other party to the dispute), will have 30 days to submit a Respondent's Agreement form and optional Statement of Facts form.

- a. If the other party responds, the CBA will send their response to you.
- b. If the Respondent does not respond, one of two steps will happen:
 - i. If the Respondent previously agreed in writing or was ordered to arbitrate with the program, the CBA will move forward with the process regardless of whether the Respondent participates.
 - ii. If the Respondent has not previously agreed or been ordered to arbitrate with the program, the CBA will close the matter and notify you in writing.

5. Selection of Arbitrators or Mediators:

- a. The CBA will send you a Ranking Form, which will give you an opportunity to

¹ These steps reflect a typical dispute process with the program. Each dispute is unique; the exact steps and processes may vary in your case as a result of particular case circumstances. In all cases, parties will receive written notice, by mail or email, of actions taken by the CBA and next steps.



provide input about which arbitrator or mediator will be appointed.

- i. If you want input into the selection of a mediator or arbitrator, be sure to complete and return this form within 15 days from when it is sent to you.
 - b. The CBA will appoint an arbitrator or mediator and will send a letter with the mediator's or arbitrator's name. In that letter, the mediator or arbitrator will let you know if they have any conflicts of interest related to your dispute.
 - i. You will have 15 days to object to proceeding with the appointed arbitrator or mediator based on their conflict disclosures.
 1. If an objection is received, the CBA will provide the objection to the arbitrator or mediator, who will decide next steps.
 2. If no objection is received, or once an objection is resolved, the appointed arbitrator or mediator is deemed confirmed, and you will be notified of the confirmation.
6. **Preliminary Conference:** The CBA will schedule a preliminary phone or video conference with all parties and the arbitrator or mediator to discuss scheduling and how the process will work.
 - a. During the call, you can ask the mediator or arbitrator any questions you have about the process, let the mediator or arbitrator know if you want any documents or information, and raise any concerns you have about the process.
 - b. During the call, the arbitrator or mediator may ask you to submit documents or other information by a certain date or before the hearing or mediation session.
7. **Arbitration or Mediation:** The arbitrator or mediator will schedule a mediation session or arbitration.
 - a. During a mediation session, the mediator will try to help you and the other party reach an agreement to resolve the dispute.
 - b. During an arbitration, the arbitrator will hear from both sides and then make a binding decision. Sometimes the arbitrator has a hearing where you will get to talk and may be asked questions; other times the arbitrator may make their decision based on the papers each party submitted.
8. **Resolution:**
 - a. If an agreement is reached during mediation, the parties and/or mediator will write up any agreements reached. You will get a copy of any agreement.
 - b. After the arbitration ends, the arbitrator will write down their binding decision. You will be given a copy of that binding decision.