Resolution of Legal Fee Disputes Program

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Program

By Leanna Zwiebel

The Connecticut Bar Association's Resolution of Legal Fee Disputes Program helps lawyers and clients with a dispute over the fees incurred for legal services to find a solution to their problem through mediation and/or arbitration, rather than litigation. The dispute resolution process is free, informal, and impartial.

The CBA staff program administrator works closely with the Resolution of Legal Fee Disputes Program Committee to oversee the implementation of the program, including the procedure for processing complaints and the establishment of a panel of qualified arbitrators and mediators to oversee arbitrations and mediations. Committee members include: Jennifer Shukla, chair; Hon. Lynda Munro (ret.); Michael Donnelly; Bridget Gallagher; CBA Past President Jonathan M. Shapiro; and Gary Sheldon.

How do I file a dispute with the program?

If the matter is unable to be resolved in good faith without assistance, you may file a petition with our program. Once your petition is filed, the program administrator, along with the Resolution of Legal Fee Disputes Program Committee chair, will review the submission for completeness and to ensure it falls within the scope of the program.

All of the required forms for the program are available on our website at ctbar.org/FeeDisputes. As the petitioner, you must fill out the petition form as well as a short statement of facts. In addition to these forms, you may include any other documentation you deem necessary for your dispute, such as e-mail records and billing statements. All of these documents can be sent to the program administrator via e-mail at FeeDisputes@ctbar.org, fax at (860)223-4488, or US mail to Resolution of Legal Fee Disputes Program, 30 Bank St, New Britain, CT 06051.

Is participation mandatory if a client files a petition for resolution over a dispute?

No. This is a voluntary program, therefore, a dispute will only be heard if all parties consent. In some cases, the parties consent to participate in advance by agreeing in a written fee retainer to arbitrate fee disputes with the program.

Am I responsible for getting the respondent's consent to use the program?

This is a voluntary program, therefore, consent is needed from all parties to proceed. Some attorneys choose to include a clause in their fee agreements for use of the program, should a dispute over legal fees occur. If written consent is not included in the attorney's fee agreement, the CBA will make one attempt to contact the respondent for their consent. If the respondent declines consent or is nonresponsive after 30 days from the CBA's attempt, the CBA must close the file.

How long is the dispute process?

Many disputes are resolved through the program within six months after a petition is filed. The administrative phase of the dispute process, including time to respond to the petition and appoint an arbitrator or mediator, generally takes less than 90 days. Once an arbitrator or mediator is confirmed, a dispute resolution session is usually held within the next 90 days.

Can a petition for resolution only be filed by an attorney?

No, either side may initiate the resolution process.

How do I become a volunteer mediator or arbitrator for the program?

The CBA Resolution of Legal Fee Disputes Program is always looking for volunteer mediators and arbitrators. If you are interested in volunteering and have at least five years of relevant dispute resolution experience, please send your resume and/or CV for consideration to the program administrator at FeeDisputes@ctbar.org.

For additional questions or for more information about the program, visit ctbar.org/FeeDisputes or contact the program administrator, Leanna Zwiebel, at FeeDisputes@ctbar.org. ■

Leanna Zwiebel is the editorial and communications associate/ADR program administrator at the Connecticut Bar Association.

This article is the launch of a new series intended to highlight CBA programs and services available to members.