

CBA RESOLUTION OF LEGAL FEE DISPUTES PROGRAM STEP-BY-STEP PROCEDURES GUIDE¹

1. Pre-CBA Involvement: 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 assistance.
2. Petition: If the matter is unable to be resolved in good faith without assistance, fill out and submit a Petition for Resolution of Fee Dispute form and a short Statement of Facts.
 - a. Forms and program information are available at ctbar.org/FeeDisputes
 - b. You will need to decide whether you would like to participate in mediation, arbitration, or both. Information about these options is provided on the program website.
3. CBA Review of Petition: When your petition arrives at the CBA, within 15 days, it will be reviewed for completeness and to ensure that the dispute falls within the scope of the Program.
 - 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 Respondent Agreement Form, and the Program Rules will be attached to the letter.
 - i. If you provide an e-mail address, the CBA will send all written communications to you both by mail and by email.
 - b. If your petition is not accepted, the CBA will send you a certified letter letting you know the reason.
4. Respondent's Agreement: The Respondent will have 30 days to submit a Respondent's Agreement with a Statement of Facts.
 - a. The CBA will send the completed Respondent's Agreement and Statement of Facts to you.
 - b. If the Respondent fails to respond within 30 days of receiving a copy of the Petition, one of two steps will happen:
 - i. If the Respondent previously agreed in writing to arbitrate with the program (or has been ordered to participate by a court or grievance committee), the CBA will proceed to assign an arbitrator and move forward with the dispute regardless of the Respondent's participation.
 - ii. If the Respondent had not previously consented to, or been ordered to, arbitrate with the program, the CBA will close the matter and notify the parties in writing.

¹ These steps will generally be followed in a typical dispute. At the discretion of the CBA, there may be some variation in the order and timing of steps as a result of particular case circumstances. In all cases, parties will receive written notice, by mail, of actions taken by the CBA.

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5. Selection of Arbitrators or Mediators:

- a. Within 15 days of receiving a Respondent's Agreement (or, if no Respondent's Agreement is received but the Respondent previously consented, within 15 days after the deadline for submitting a Respondent's Agreement), the CBA will send the parties a Ranking Form, which will give them an opportunity to provide input about which arbitrator or mediator will be assigned.
- b. To be considered, the Ranking Form must be returned to the CBA within 15 days. If the Ranking Forms are not submitted within 15 days, the CBA will unilaterally appoint an arbitrator or mediator.
- c. Within 30 days of the deadline for submitting Ranking Forms, the CBA will appoint an arbitrator or mediator based on availability and the Ranking Forms, and send a letter notifying parties of the appointment and any disclosed conflicts of interest.
- d. Parties will have 15 days to object to having the appointed arbitrator or mediator resolve the dispute.
 - i. If an objection is received, the CBA will provide the objection to the appointed arbitrator or mediator, who will decide whether to hear the matter or have another neutral selected instead.
 - ii. If no objection is received, or once an objection is resolved, the appointed arbitrator or mediator is deemed confirmed, and the parties will be notified of the confirmation.

6. Scheduling a Conference Call: Within 30 days of confirmation of an arbitrator or mediator, the CBA will schedule a phone conference with all parties and the arbitrator to discuss scheduling and procedural matters. Numbers 1-11 of Section VI.2.a explain in detail what is to be discussed on the call.

7. Scheduling a Hearing: The arbitrator or mediator will schedule a mediation or arbitration date within 60 days after the Scheduling Conference.

- a. Any documentary evidence that the parties will use should be sent to the arbitrator or mediator and the other party at least 15 days before the mediation or arbitration date.

8. Resolution:

- a. At the end of a mediation, parties with the assistance of the mediator, will write up any agreements.
- b. Within 30 days after an arbitration, the arbitrator will send the parties a binding written decision.