

FREQUENTLY ASKED QUESTIONS

Q: Do I have to notify my attorney or my client that I am filing a fee dispute?

A: No. However, you should make a good faith effort in writing to resolve the dispute with the attorney before filing the petition.

Q: Can I file a “Petition for Resolution of Fee Dispute” if I have already filed a grievance against the attorney?

A: Yes. However, if the grievance panel or court hearing a grievance advises the CBA that its decision will have an impact on the award involved in the fee dispute, the grievance panel or court will prevail, not the CBA Resolution of Fee Disputes Committee.

Q: Should I pay my attorney, or refund to my client, the legal fees before filing a petition?

A: It’s your call. The decision as to whether or not to pay or refund the legal fees prior to the fee dispute hearing is up to each individual.

Q: Can I hire an attorney to represent me at the arbitration or mediation hearing?

A: Yes, you can be represented by an attorney at your own expense. However, the program is designed to be an informal process so that parties can represent themselves.

Q: Do I have to pay a fee when I submit my petition?

A: No. The program is free to all parties, sponsored by the CBA as a public service to the community.



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The Connecticut Bar Association is a private, voluntary, professional association and, as such, has no official jurisdiction over the activities of individual lawyers or law firms. Therefore, the procedures outlined herein are voluntary and require the cooperation of both parties for effective implementation.

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STEP-BY-STEP GUIDELINES FOR PARTICIPATION

RESOLUTION OF LEGAL FEE DISPUTES PROGRAM

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RESOLUTION OF LEGAL FEE DISPUTES PROGRAM

- 1** *To clients:* If you dispute the amount of money that your lawyer is charging or has charged you, write a letter to your lawyer in good faith to discuss your fee dispute. He or she may be able to better explain the fees to you and clarify the amount of work and time that went into your case.
To attorneys: If your client refuses to pay a bill for legal services, or disputes the amount, discuss your bill with him or her in an attempt to resolve the matter.
- 2** If you are not satisfied with the outcome, you may proceed with the *Resolution* process. Fill out the 3-page “Petition For Resolution of Fee Dispute” form. Send it to the Connecticut Bar Association. (Only the parties engaged in the “attorney/client” relationship can start this process.)
- 3** Clearly state the facts regarding your fee dispute on Page 2 of the form. Attach any additional materials that provide helpful information, such as letters, invoices, retainer agreements, etc.
- 4** Decide the course of action you wish to take. Do you want the problem mediated; mediated and followed (if necessary) by arbitration; or binding arbitration? This is an important decision. Read the CBA flyer “Mediation/Arbitration: What’s the Difference?” before making your choice.

- 5** If you choose binding arbitration, you have the option not to attend the hearing. If you do not want to attend the hearing, sign the Waiver form. Your written statement and supporting materials will be used to present your case. However, even if you do sign the Waiver, you can always change your mind and attend the hearing. All parties are encouraged to participate in the arbitration process.
- 6** When your petition arrives at the Connecticut Bar Association, it will be reviewed to ensure that the dispute falls within the rules of the program, as spelled out in the “Rules for Resolution of Legal Fee Disputes”.
- 7** If the dispute is accepted, the CBA will send a copy of your petition, along with a Respondent’s Agreement Form, to the party with whom you have the dispute. The other party has 30 days to respond.
- 8** Neither the lawyer nor the client is obliged to participate in the CBA resolution process. However, all Connecticut lawyers are aware of the professional, useful and free service the CBA provides. If for any reason a party does *not* agree to give the CBA Committee jurisdiction (power and authority) to arbitrate and decide this matter, or mediate, the file is closed. It is in everyone’s best interest to agree to participate.

- 9** After the Respondent’s Agreement Form is received and reviewed by the CBA, the case will be assigned by geographic region to a sole mediator, or a 3-person arbitration panel, based upon your choice of mediation or arbitration. Mediations are handled by a volunteer attorney experienced in mediation techniques. Arbitration panels are made up of three volunteers: two attorneys and one lay person. The CBA notifies both petitioner and respondent that the case is active. The CBA mails to the parties the name(s) of the mediator or panel members. Petitioner and respondent have 5 days to approve or challenge the mediator or panel.
- 10** The approved panel chair or mediator then sends a notice to all parties advising them of the date, time and place of the mediation or hearing. The parties are given at least fourteen (14) days written notice prior to the actual mediation or hearing.
- 11** In the case of arbitration, the committee chair directs the CBA to send a written “Award of Arbitrators” letter to the parties within 30 days of the hearing. The Award letter states the amount of the award, if any, and the terms of payment, if applicable.
- 12** When a petitioner and respondent agree to binding arbitration, they are agreeing to be bound by the decision of the panel.