



MONROE COUNTY BAR ASSOCIATION

FEE DISPUTE RESOLUTION

In order to assist clients and former clients along with members of the Bar who have a dispute over legal fees and charges, the Monroe County Bar Association has a Fee Dispute Committee. All committee attorneys are members of the Monroe County Bar Association who have volunteered to serve without compensation in assisting members of the public to fairly and promptly resolve their fee dispute with Monroe County Bar Association members.

When Do I have a Fee Dispute

Whenever you disagree with your attorney or former attorney about the fees you have paid already or the amount claimed to be due and the matter cannot be resolved between you and your attorney.

What Information should I include in my Statement of Fact Questionnaire

Give your full name, address and a phone number where you can be reached during the day. State the amount of money in dispute and the name and address of the lawyer with whom you have a dispute. Indicate the nature of the case handled by the lawyer. Attach any written fee agreement or fee letter. Be sure to include any other relevant correspondence (bills, canceled checks, etc.) Describe your complaint. (i.e. the fee charged was more than agreed upon, lawyer did not perform services agreed to be performed, etc.)

What Happens at the Arbitration

An informal hearing is scheduled before a panel of three of the Fee Dispute Committee members. Both sides may testify and present evidence they feel important. Neither side may be represented by an attorney. The formal rules of evidence are not strictly followed. The committee will review any evidence it believes to be relevant and competent.

Is your Committee the Only Way that I can Resolve my Fee Dispute with my Attorney

No. The committee procedure is voluntary for both the client and the lawyer. Each must agree, or the committee cannot hold a hearing. The client and lawyer may still try to reach an agreement between themselves. They each have the further option of using the court system. However, if both attorney and client agree to the arbitration, the decision of the committee is legally binding on both.

For more information or to submit a complaint contact MONROE COUNTY BAR ASSOCIATION

How does the Fee Dispute Process Work

Clients who feel that they have been improperly charged by members of the bar may request the assistance of the committee by submitting a written statement of the facts on the Fee Dispute form. It will be determined whether the dispute qualifies for consideration by the committee. Some disputes may not qualify, such as those that are already in court. If it does not qualify, you will be notified. If your dispute does qualify, you will be notified and the attorney will be asked to answer the complaint. The attorney may choose not to answer and you will be notified if this is the case. In most instances, the attorney does file an answer which will be forwarded to you.

What Happens Next

Hopefully, at this point you and the attorney will resolve the dispute amicably between yourselves. If the matter cannot be resolved amicably, both the client and the attorney are then sent a form asking them to agree to have the committee arbitrate the dispute, at no charge to either side. Neither lawyers nor clients are required to participate in the fee arbitration process but the Bar Association does strongly encourage its members to cooperate with the process and agree to binding arbitration.

The Fee Dispute Committee will review the records you've provided and if approved for hearing will be heard by a panel of volunteer attorneys.

The Decision

The committee will reach its decision and notify each party within three weeks after arbitration.

What are the Advantages of using the Fee Dispute Committee

The committee is made up of volunteer, impartial attorneys experienced in setting fees. It is a prompt and inexpensive resolution of the disagreement. There is no need to hire an attorney.



MONROE COUNTY BAR ASSOCIATION

FEE DISPUTE COMMITTEE STATEMENT OF FACT QUESTIONNAIRE

State Your Full Name _____

Address _____

Telephone _____

State the Lawyer with Whom You have a Fee Dispute's

Name _____

Address _____

Was this Attorney Referred to You by Monroe County Bar Association Find a Lawyer Program ___ Yes ___ No

What was the Nature of the Case Handled by the Lawyer (Contract, Corporate, Personal Injury, Divorce, Criminal)

State the Fee Charged & Whether or Not It has been Paid \$ _____ Paid ___ Yes ___ No

Was There a Written Fee Agreement or Fee Letter (Attach - If Not, Explain Your Understanding of the Fee Agreement)

What is Your Complaint? (Fee Charged was More Than Agreed Upon, Lawyer did not Perform Services Agreed to be Performed)

*Please Note: Your fee dispute will be reviewed and if approved for hearing will be heard by a panel of volunteer attorneys. The **Fee Dispute Committee** has no power to decide issues involving ethical questions. Decisions and sanctions concerning professional conduct are within the exclusive jurisdiction of the **Office of the State Disciplinary Board** at 717-772-8572.*

*By submitting this information to the **MCBA Fee Dispute** process you are waiving all confidentiality resulting from the attorney-client privilege for the case as disclosed herein.*

Signature: _____

Return this completed form, additional pages needed & supporting documents to:

FEE DISPUTE COMMITTEE
MONROE COUNTY BAR ASSOCIATION
913 Main Street, Stroudsburg, PA 18360