



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 fees you have already paid 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 mediation?

An informal mediation is scheduled before a panel of one to three members of the Fee Dispute Committee. Both sides may testify and present evidence they deem important. The formal rules of evidence are not strictly followed. The panel 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 the attorney and client agree to mediate, the result can be turned into a binding agreement.

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, and this process will not apply. In most instances, the attorney does file an answer, which would 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 mediate the dispute, at no charge to either side. Neither lawyers nor clients are required to participate in the mediation process but the Bar Association does strongly encourage its members to cooperate with the process and agree to mediation.

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

The result:

The committee will attempt to obtain an agreement of the parties to a settlement.

What are the advantages of using the Fee Dispute Committee?

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



MONROE COUNTY BAR ASSOCIATION

Fee Dispute Committee Statement of Fact Questionnaire

State Your Full Name _____
Address _____
Telephone Number _____
Email Address _____

State the Lawyer with Whom You have a Fee Dispute

Name _____
Address _____
Telephone Number _____

Was the attorney referred to you by Monroe County Bar Association's Find a Lawyer Program? Yes No
What was the nature of the case handled by the attorney? e.g., Contract, Criminal, Personal Injury, Divorce

State the fee charged and whether or not it has been paid? \$ _____ Paid? Yes No

What is the amount of the fee charged that you are disputing? \$ _____ Paid? Yes No

Minimum amount in dispute is \$1,000 and maximum amount in dispute is \$25,000.

Request for Fee Dispute hearing must be made within four (4) years of the date of attorney and client written representation (fee) agreement.

What is your complaint (e.g., fee charged was more than agreed upon, lawyer did not perform services agreed to be performed, etc.)?

Please note: Your fee dispute will be reviewed and if approved for mediation 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(s): _____ Date: _____

Return this completed form, additional pages needed and copies of supporting documents to:

FEE DISPUTE COMMITTEE
Monroe County Bar Association
913 Main Street
Stroudsburg PA 18360