



FEE DISPUTE COMMITTEE INSTRUCTIONS REGARDING A FEE DISPUTE COMPLAINT

To all Clients/Petitioners:

As a service to the Public and to members of the Erie County Bar Association (ECBA), the Fee Dispute Committee will attempt to resolve disagreements over fees, without charge and without involvement of the court. **NOTE: Fee Dispute complaints can only be reviewed if the attorney is a member of the ECBA. To determine this, check our website at www.eriebar.com in the Pictorial Membership Directory or call the office at 814-459-3111.**

The Fee Dispute Resolution process offers two methods to resolve disagreements: **mediation and arbitration.**

Upon filing a Fee Dispute Complaint you will be required to indicate your agreement to participate in the mediation process, and will be asked to sign an *Agreement to Proceed to Mediation*. The attorney against whom your complaint is made will also be asked to sign the agreement. If the attorney signs the agreement, the fee dispute committee will appoint a mediator who will be impartial and act as a facilitator assisting you and the attorney in negotiating a settlement. The mediator will not issue a decision or force a compromise. Instead you and the attorney will be encouraged to modify or adjust your positions in order to settle the dispute. If a settlement is reached, the purpose of the Fee Dispute Committee process will have been served, and the matter will be closed.

If you and the attorney are unable to resolve the dispute through mediation, the mediator will request that you and the attorney agree to submit the dispute to binding arbitration. If you, or the attorney, do not agree to submit to binding arbitration, the case will be closed, and the Committee will take no further action. You would then be free to pursue other remedies as provided by law.

Hopefully, upon your mutual agreement to arbitrate, an informal hearing will be held before a panel of three members of the Fee Dispute Committee, and you and the attorney will have the opportunity to testify and present evidence. At the conclusion of the hearing, the arbitration panel will render a decision, which will be final and binding on both parties.

Please note that the attorney against whom you made this complaint may make a counterclaim against you, regarding any issues related to the matter for which he or she was retained.

Attached are the forms you will need to complete to begin the fee dispute process. If you have any questions regarding the forms, or the process, you may contact me as Chairman of the Erie County Bar Association Fee Dispute Committee.

Sincerely,

Kathleen (Katie) O'Neil, Executive Director
Erie County Bar Association
814-459-3111