



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,

Craig A. Markham, Esquire
Fee Dispute Committee Chair
814-456-4000

Or: Sandra Brydon Smith, Executive Director
Erie County Bar Association
814-459-3111

ERIE COUNTY BAR ASSOCIATION
FEE DISPUTE COMMITTEE.

AGREEMENT TO SUBMIT TO BINDING ARBITRATION

This agreement to submit to binding arbitration is entered into by and between

_____ (“the “CLIENT”) and
(print name)

_____ (the “ATTORNEY”)
(print name)

WHEREAS, the CLIENT and the ATTORNEY agree that if mediation is unsuccessful in the resolution of a fee dispute complaint filed by the CLIENT, then they shall be bound by this arbitration agreement.

NOW, THEREFORE, CLIENT and ATTORNEY acknowledge that they have received and reviewed the Erie County Bar Association Fee Dispute Procedures.

CLIENT and ATTORNEY hereby agree to submit the Dispute to Common Law Arbitration by submitting to the rules of the Erie County Bar Association Fee Dispute Committee and specifically agree that:

(A) Following an evidentiary hearing before a three member panel of the Committee, the Award of the Committee shall be **final and binding**, and shall have the force and effect of a jury verdict.

(B) A Judgment may be entered on the Award on application of either party made more than 30 days after the issuance of the Award, in accordance with 42 PA. C. S. Section 7341 (relating to common law arbitration)

(C) On such application on the Award in any Court of competent jurisdiction, the Court shall enter an Order confirming the Award, and shall enter a judgment or decree in conformity with the Order under 42 PA. C. S. Section 7342 (b) (relating to confirmation and judgment).)

Client’s signature

Date

Attorney’s signature

Date

ERIE COUNTY BAR ASSOCIATION (ECBA)
FEE DISPUTE COMMITTEE

AGREEMENT TO PROCEED TO MEDIATION

This Agreement to Proceed to Mediation is entered into by and between:

_____ (the "Client") and

_____ (the "Attorney").

WHEREAS, a Fee Dispute Complaint has been filed by the CLIENT with the committee regarding the fees the ATTORNEY is entitled to receive from the CLIENT,

NOW, THEREFORE, CLIENT and ATTORNEY acknowledge that they have received and reviewed the rules of the ECBA Fee Dispute Committee Rules & Procedures.

CLIENT and ATTORNEY expressly agree to mediate the dispute by submitting to the fee dispute resolution process, agreeing to meet with an impartial, neutral mediator in an effort to resolve the issues raised in the complaint.

CLIENT and ATTORNEY expressly agree that the ECBA, its members, the Mediator, and their respective employees, shall not be liable for any injury or damage caused in whole or in part by any act, any failure to act, or any omission, including any negligent act, any negligent failure to act or any negligent omission, in connection with or arising out of the mediation process.

CLIENT and ATTORNEY agree that the Mediation shall be governed by the ECBA Mediation Program, and the guidelines, rules, and procedures of the ECBA Alternate Dispute Resolution Committee, except that fees typically charged are waived.

CLIENT and ATTORNEY, intend to be legally bound by this agreement.

Client's signature

Date

Attorney's signature

Date