

Portage County Lawyer-Client Fee Dispute Resolution Committee

To the Petitioner:

By filing this form with the Portage County Lawyer-Client Fee Dispute Resolution Committee, the Committee understands that you genuinely dispute fees that you have paid to or are being charged by an attorney for the performance of legal services. Before completing this form, please thoroughly read these Instructions that explain each step of the fee-dispute-resolution process.

Instruction on Filing a Fee Dispute Petition:

(1) Before a petition may be filed, you (petitioner/client) must make a good faith effort to resolve the fee dispute with the attorney. If your attempt to resolve the dispute is unsuccessful, follow these instructions to file your petition.

(2) Complete and execute the attached petition and consent. All parties who are responsible for payment of the legal fees must agree to be bound by the mediation resolution or if no resolution is reached, the arbitration decision, and should sign the petition and consent.

(3) Include a typed or printed statement that includes (a) a description of your efforts to resolve this dispute with the attorney; (b) your understanding of your fee agreement; and (c) a detailed account of your dispute.

(4) Attach copies of the following (a) your fee agreement, if any; (b) any bills or accountings that you have received regarding the fees you are disputing; (c) receipts or other proof of payments already made to the attorney; and (d) any other documents that you believe support your position.

(5) After you complete this petition comprised of the above-referenced materials, send the information to the following address:

Portage County Fee Dispute, c/o Portage County Bar Association,
PO Box 128, Ravenna, Ohio 44266-0128

Important Information:

This fee-dispute-resolution-process, that is, the mediation or arbitration, is not mandatory. If the attorney or the petitioner chooses not to participate in the process, the Committee cannot proceed. Further, if the fee dispute is the subject of current litigation (or a court decision has already been made), the Committee will not have jurisdiction and cannot proceed.

The Process:

After a petition is filed, the Committee will assign an attorney familiar with the type of case in which the fee dispute arose who try to mediate a resolution of the dispute between the petitioner/client and the attorney. If successful, the parties will sign a binding resolution that will outline the steps to be taken to resolve the fee dispute.

If a mediated resolution cannot be reached, then the parties will proceed to **binding arbitration** before a three-judge panel of Committee members. The panel will set the matter for a hearing and inform the parties of the rules and standards to be observed at the hearing. If an arbitration hearing is scheduled, it will proceed in the absence of any party or representative, who, after due notice, fails either to appear or to obtain a continuance. A binding decision shall be made on the basis of the petition, response, testimony of the party in attendance and other materials presented.

Your Name: _____

(use extra sheets of paper if necessary)

By executing and filing this petition, you are certifying that (1) you have made a good faith effort to resolve the dispute with the attorney and such effort has failed; (2) this dispute is not the past or present subject of a lawsuit; and (3) the information submitted in this petition is truthful and accurate to the best of your knowledge. Further, this petition concerns an argument over a fee the attorney charged. The petitioner does not believe this dispute is a criminal offense or an unethical matter.

You understand that the Committee will first try to mediation a resolution to this matter and if not successful, then a binding arbitration hearing will be scheduled. **You further understand that by executing and filing this petition, you are agreeing to participate in binding arbitration, if necessary, in this matter in lieu of a legal proceeding in court.**

Finally, if the dispute cannot be resolved through mediation, you consent to submit for binding arbitration by the Committee this dispute relating to attorney fees for legal services alleged to have been rendered, which dispute is the subject of this petition before the Committee. You agree to appear before the Committee at the arbitration hearing and to give testimony and present evidence and material relevant to this fee dispute. You further agree to be bound by the rules and regulations of the Committee and to comply therewith, and further expressly agree to be bound by, and to comply with, the arbitration order and award made by the Committee. You further agree that the order and award of the Committee shall have the legal effect of an account stated between you and the attorney.

Date

Signature of Petitioner