

REQUEST FOR FEE ARBITRATION
ALLEN COUNTY INDIANA BAR ASSOCIATION

1. Name of Client(s): _____

Address: _____

Telephone Number: _____

2. Name of Lawyer: _____

Address: _____

Telephone Number: _____

3. Have you filed a complaint with the Disciplinary Commission of the Indiana Supreme Court against the lawyer named above attorney?

Yes _____ No _____

If you answered yes, is that complaint waiting for a decision?

Yes _____ No _____

If you answered yes to both questions, you should stop now, as no fee arbitration is available if a complaint is waiting to be decided by the Disciplinary Commission of the Supreme Court.

4. Has either you or the lawyer filed suit regarding these fees?

Yes _____ No _____

If you answered yes, do not go any further because arbitration cannot be used when a lawsuit is pending.

5. Did a Court order you to pay any of the fees in question?

Yes _____ No _____

If you answered yes, do not go on. Arbitration cannot be used when the Court has ordered fees.

6. When did the lawyer first agree to handle your case? _____

7. How many times did you meet with the lawyer? _____

How many times did you speak with him/her by telephone? _____

8. What type of case was involved? (E.g. criminal, real estate, divorce) _____

9. What services did the lawyer say would be done for you? _____

10. State the fee agreement that you had with the lawyer and attach copies of any letters or papers that discuss the fee agreement: _____

11. State all amounts paid to the lawyer, the dates of payment and for what the payment was made: _____

12. State the total amount of the lawyer's bill: (attach a copy, if available)

13. Briefly explain why you disagree with the bill for legal services: _____

(USE ADDITIONAL SHEETS IF NEEDED)

I further state that I wish to submit this matter to the Allen County Indiana Bar Association Fee Dispute Committee and further waive the attorney-client privilege pursuant to the Rules of Professional Conduct. I have read and understand the Fee Dispute Committee Rules. I fully understand that the determination of the Committee is not legally binding on the attorney or me but such a determination may be used in Court against the attorney or me. I realize that once the hearing has commenced the Fee Dispute Committee need not permit me to withdraw my request and may proceed to hear the matter, even in my absence should I not choose to attend regularly scheduled hearing dates. I am further aware that if any action for payment of the fee is now pending in a court in this State, that lawsuit will prevent the Committee from hearing this matter unless the lawsuit is dismissed. I also understand that as an alternative to these arbitration proceedings, I have the option of presenting this matter to a court in this State. I prefer, however, to submit the dispute to the Fee Dispute Committee for resolution under the terms recited herein.

Date: _____ Signed: _____

RETURN TO: Allen County Indiana Bar Association, 924 South Calhoun Street, Ft. Wayne, IN 46802

ALLEN COUNTY INDIANA BAR ASSOCIATION FEE DISPUTE COMMITTEE RULES

1. All client complaints concerning fee disputes shall be referred to the Fee Dispute Committee, which shall appoint a panel to investigate such complaint. Each panel shall consist of three or more members, with one member designated as the chairman. Any two or more members of any panel shall constitute a quorum to hear matters submitted.
2. A Request for Fee Arbitration may only be filed by a client.
3. No dispute shall be arbitrated unless and until a Request for Fee Arbitration form is filed with the Allen County Bar Association office by the client.
4. Upon filing of such request, the panel shall conduct a hearing, for a period of time not to exceed one (1) hour, of which both the attorney and client are notified. A hearing can be scheduled for two (2) hours upon prior written request having been received by the Committee stating the reasons supporting the extension of the hearing time. Either party may be represented by an attorney and may produce witnesses. Testimony need not be under oath or recorded.
5. If there is a written contract determined to be valid by the committee, this shall govern. Otherwise, the panel shall determine what is a reasonable fee under all of the circumstances.
6. After hearing the testimony, examining the documents produced and questioning the parties, the panel shall go into executive session and render a decision that shall be reduced to writing signed by the chairman of the panel hearing the matter and communicated to the parties. In reaching its decision the panel shall not attempt to conciliate the positions of the opposing parties but shall determine what is the proper fee in the particular case.
7. An attorney may refuse to agree to Fee Dispute Resolution. Refusal by the attorney to agree to Fee Dispute Resolution does not deprive the Committee of jurisdiction unless the matter is in litigation (see Section 8). The panel shall proceed to conduct an ex parte hearing of the client's complaint, unless the matter is in litigation. The attorney shall be notified of the time and place of the hearing, and shall be entitled to attend. The attorney may, however, submit work product and time records to the panel prior to the hearing. If the attorney fails to appear or provide documentation, the panel shall hear the client's evidence and render an opinion on the fee dispute. If the client fails to appear and does not contact the Bar Association office within twenty-four (24) hours prior to the scheduled hearing, summary dismissal of the complaint will be issued, but not entered until fifteen (15) days subsequent to the scheduled hearing. If the client contacts the bar office within fifteen (15) days subsequent to the scheduled hearing and shows good cause on why the client did not attend the scheduled hearing, the matter may, at the discretion of the Committee, be rescheduled for hearing.
8. The original advisory opinion shall be filed with the Allen County Indiana Bar Association and copies sent to both parties.
9. An attorney may refuse to agree to Fee Dispute Resolution for the reason that the issue is being litigated in Court. **Such litigation, whether filed before or after a Request for Fee Arbitration has been filed with the Allen County Indiana Bar Association, shall deprive the Committee of jurisdiction.** The Fee Dispute Committee may assume jurisdiction of a matter in pending litigation if both parties agree to dismiss the pending litigation and submit to the Fee Dispute Resolution.
10. The panel may grant a continuance of the hearing upon a request in writing for good cause.