



Rev. 5/18/18

**STATE BAR OF ARIZONA
FEE ARBITRATION PROGRAM**

BASIC STEPS IN RESOLVING A FEE DISPUTE

The following is a summary of the steps involved in the arbitration of fee disputes before the State Bar Program established for that purpose.

The complete rules of procedure governing the resolution of fee disputes are attached, together with the forms needed to file for arbitration. A copy of Ethical Rule 1.5 regarding fees also is attached.

The **signed** documents should be mailed to:

State Bar of Arizona
Attn: Fee Arbitration Coordinator
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6266

STEP ONE - FILLING OUT AND MAILING THE FORMS

Read the attached Rules of Arbitration of Fee Disputes. Sign and complete the following forms:

1. Petition for Arbitration
2. Agreement to Arbitrate

Sign Both Forms And Return Them To The State Bar At The Address Above. DO NOT FAX OR EMAIL FORMS.

Please include copies (not originals) of documents including the fee or retainer agreement/letter, billings, invoices, receipts or correspondence that deal with the fees charged/paid in this matter.

The Fee Arbitration Program cannot access the information in your written Bar Charge file/complaint, if one exists. You must provide any information you wish to have considered in your fee dispute matter directly to the Fee Arbitration Program.

****PLEASE NOTE:** If someone other than the client paid all or part of the attorney's fees, then that person also must sign these forms. **Forms not completed or signed will be returned causing a delay in the processing of the file.**

Forms and Attachments must be submitted in single-sided, loose-leaf form. DO NOT USE STAPLES, TABS OR BINDERS.

STEP TWO - CONTACTING THE OPPOSING PARTY AND TAKING JURISDICTION

The State Bar will send copies of the forms to the opposing party, who will have an opportunity to respond. If the opposing party agrees to arbitrate, both parties will be bound by the award.

If the opposing party declines to arbitrate or does not respond, you will be notified and the file will be closed.

The petition will be reviewed to make sure that the dispute is within the Program's jurisdiction. If the dispute is not within the Program's jurisdiction, you will receive a letter explaining why the Program declined jurisdiction.

STEP THREE - APPOINTMENT OF ARBITRATORS

The Fee Arbitration Program Coordinator will appoint the arbitrator(s) to hear the dispute. Both parties will receive written notice of the appointment of the arbitrator(s). If either party objects to any or all of the arbitrator(s) chosen, a written objection must be sent to the State Bar within ten (10) days after personal service or date of the notice of the name(s) of the arbitrator(s).

STEP FOUR - SETTING TIME FOR HEARING

Both parties will receive written notice of the date, time and location of the hearing at least fifteen (15) days before the hearing date. This notice will be served personally or by first class mail. If either party has not kept the State Bar informed of any changes in address, this notice will go to the last known address and will constitute notice.

STEP FIVE - THE ARBITRATION HEARING

At the arbitration hearing, both parties may present witnesses and documentary evidence and you both may be represented by an attorney. Witnesses may be cross-examined at the hearing. Any party to the arbitration may make arrangements to have the hearing recorded by a court reporter or by electronic tape recording at the party's own expense, provided notice is given to the opposing party and the arbitrator(s) at least three (3) days prior to the scheduled hearing.

If either party fails to appear at the hearing without good cause, the arbitrator(s) may proceed with the hearing and resolve the dispute upon the evidence produced.

STEP SIX - THE ARBITRATION AWARD

A sole arbitrator is requested to render the award, in writing, within twenty (20) days after the close of the hearing and a panel should issue an award within forty (40) days after the close of the hearing. **These are only suggested time frames - they are not mandatory.** A signed copy of the award will be mailed to each party upon receipt and review by the State Bar office.

STEP SEVEN - AWARD IS FINAL AND BINDING

The arbitration award is final and binding on all parties who agree to arbitrate by signing the Agreement to Arbitrate. The parties will have thirty (30) days to comply with the award unless the arbitrator indicates otherwise. The award may be enforced by any court of competent jurisdiction.