



**RHODE
ISLAND
BAR
ASSOCIATION**

RHODE ISLAND BAR ASSOCIATION PROCEDURE FOR ARBITRATION OF FEE DISPUTES

Attached are three documents needed to begin the Fee Arbitration process. These documents are:

1. Arbitration of Fee Disputes Agreement
2. Arbitration of Fee Disputes Petition
3. The Rhode Island Bar Association Rules Concerning Fee Arbitrations.

The Arbitration of Fee Disputes Agreement and Petition are to be filled out by you and returned to this office (you are the “Petitioner” and the attorney is the “Respondent”). We will then forward them to the attorney for his/her signature.

The Rules are enclosed for your information. Please read the rules carefully before returning the Agreement and Petition.

The petitioner must submit the forms to the Association. We will contact the Respondent directly. If both parties agree to arbitrate (by signing and returning the Agreement), we will forward it and the Petition to a Fee Dispute Panel.

If the amount in dispute is more than \$1,500 a three-member panel of attorneys will arbitrate. If the amount in dispute is \$1,500 or less a single arbitrator will make the determination. No disputes under \$1,000 will be considered.

Please complete and sign the attached Agreement and Petition and return them to our office if you wish to begin the fee arbitration process.

If you have any questions, please contact our office at 421-5740.

41 Sharpe Drive
Cranston
Rhode Island 02920
telephone: (401) 421-5740
fax: (401) 421-2703
email: info@ribar.com
website: www.ribar.com

**BEFORE THE FEE ARBITRATION COMMITTEE
OF THE RHODE ISLAND BAR ASSOCIATION**

IN THE MATTER OF THE ARBITRATION)
BETWEEN)
)
)
_____)
) Petitioner)
and)
)
)
_____)
) Respondent)

PETITION FOR ARBITRATION

TO THE RHODE ISLAND BAR ASSOCIATION:

I, _____ whose address is

phone no.: _____, hereby request arbitration of the fee dispute between
myself and _____ whose address
is _____

The amount in dispute is \$ _____

I request that the hearing be held before three arbitrators. (NOTE: This request may be made only when the amount in controversy exceeds \$1,500. If the amount in controversy exceeds \$1,500, but you are willing to proceed before one arbitrator only, on written submission only, you may cross out this sentence.)

A brief statement of the facts giving rise to the dispute is as follows:

(An additional page may be attached if more space is needed. Copies of any agreement, correspondence, receipts, etc. may also be attached.)

I have received and read the Rules of the Fee Arbitration Committee of the Rhode Island Bar Association and I have signed the Agreement to Submit Controversy to Arbitration.

Date

Signature of Petitioner

BEFORE THE FEE ARBITRATION COMMITTEE OF THE RHODE ISLAND BAR ASSOCIATION

IN THE MATTER OF THE ARBITRATION)
BETWEEN)
)
_____)
) Petitioner)
and)
)
_____)
) Respondent)

AGREEMENT TO SUBMIT
CONTROVERSY TO
ARBITRATION

The undersigned hereby agree to submit to arbitration under the Rules of the Fee Arbitration Committee of the Rhode Island Bar Association on certain controversy between us concerning fees and costs, if any.

1. The arbitration shall be held in accordance with the Rules of the Fee Arbitration Committee of the Rhode Island Bar Association, a copy of which has been received and read by each of the undersigned.
2. Any arbitration award rendered pursuant to this Agreement shall be final and binding upon the parties and may be confirmed and enforced by any court of competent jurisdiction.

Date

Petitioner

Date

Respondent

RHODE ISLAND BAR ASSOCIATION ARBITRATION COMMITTEE RULES OF PROCEDURE

1. APPOINTMENT OF COMMITTEE MEMBERS

The Fee Arbitration Committee shall consist of a minimum of nine members to be appointed by the President of the Rhode Island Bar Association. The term of any member which expires while an arbitration is pending before him/her or before a panel of which he/she is a member shall be extended until such arbitration is concluded, but such extension shall not interfere with the President's power to appoint a successor to the Committee. The President shall appoint the Chairperson (or up to two (2) Co-chairpersons as the President shall determine) of the Committee each from among the members.

Members of the Committee should be selected to provide a representation from a broad spectrum of the Bar from the standpoint of firm organization (i.e., large firms, small firms and sole practitioners), geography, and types of practice (i.e., general practice, litigation practice, criminal practice, etc.). Committee members should be experienced in the practice of the law and no member should have practiced for less than five (5) years.

2. APPOINTMENT OF ARBITRATION PANELS

The Arbitration Panels will consist of three persons, one to be a member of the Fee Arbitration Committee of the Rhode Island Bar Association who shall act as Chairperson of the Panel. The other two members of each Arbitration Panel shall be appointed by the Chairperson of the Panel.

All Arbitration Panel members shall be members in good standing of the Rhode Island Bar Association.

To the extent practical all Arbitration Panel members shall be experienced in the area of law involved in any dispute referred to a panel.

Record of Arbitration Proceedings: The Chairpersons of each Arbitration Panel shall keep records of all proceedings and decisions of the Arbitration Panel. Upon completion of an arbitration proceeding, the records shall be filed with the Rhode Island Bar Association.

3. JURISDICTION

An Arbitration Panel may exercise jurisdiction of fee disputes between clients and attorneys and/or between two or more attorneys. When a petition is filed, a copy of the petition and all pertinent information shall be forwarded to the Disciplinary Board of the Supreme Court of Rhode Island and the parties so informed. A Petition for Arbitration may be filed directly with the Rhode Island Bar Association or after referral from the Disciplinary Board of the Supreme Court.

4. PROCEEDINGS

Arbitration shall be instituted by filing with the Rhode Island Bar Association a Petition for Arbitration ("petition") and an Agreement to Submit Controversy to Arbitration ("agreement"), both in the form prescribed by the Rhode Island Bar Association.

Filings with the Rhode Island Bar Association shall be made by submitting the signed and dated petition and agreement in triplicate to the Executive Director thereof at 41 Sharpe Drive, Cranston, Rhode Island 02920.

Promptly following the receipt of the petition and agreement signed by the petitioner, and being satisfied that the controversy is a proper one for arbitration, the Executive Director shall submit the petition and agreement to the respondent.

Upon the failure or refusal of the respondent to sign and return the agreement to arbitration within 30 days of receipt, it shall be conclusively presumed that the respondent is unable or unwilling to agree to arbitration and the petitioner shall be so informed.

In the case of any doubt as to the propriety of arbitration in any particular case, the Executive Director shall consult with the Chairperson of the Committee.

5. INFORMAL ARBITRATION

If the initial complaint is filed with the Disciplinary Counsel, Disciplinary Counsel may endeavor to resolve the dispute with the complainant and the respondent. If the dispute is resolved informally, the complaint shall be deemed to have been withdrawn.

6. FAILURE OF THE RESPONDENT TO SUBMIT TO ARBITRATION

Both the petitioner and the respondent shall be informed that should the respondent not agree to be bound by the decision of an Arbitration Panel, an Arbitration Panel shall not be appointed and the petitioner may take such other actions as he or she deems appropriate.

7. DEFAULT BY EITHER PARTY

After agreement to be bound by the decision of an Arbitration Panel by both petitioner and respondent, the Arbitration Panel to which the petitioner is referred shall hear the petition and make its determination notwithstanding a failure by the respondent to defend the petition. A failure by the petitioner to prosecute the petition shall be deemed a withdrawal of the petition.

8. RIGHT TO COUNSEL

Each Party to a fee dispute has the right to be represented at his/her own expense by an attorney-at-law at a hearing or at any stage of arbitration.

9. REFERRAL TO ARBITRATION PANEL

a. The petitioner shall be referred for hearing to any duly appointed Arbitration Panel.
b. The petitioner and the respondent shall be properly notified as to the names and business addresses of the members of the panel designated to arbitrate the dispute.
c. The petitioner and the respondent shall be properly notified as to the date, time and place of the hearing.

d. The notice of hearing must inform the parties of their right to present witnesses, and documentary evidence in support of their positions, and, at their own expenses, to have a record of the proceedings made.

10. ARBITRATION HEARING

a. The Rhode Island Arbitration Act, General Laws of Rhode Island Title 10, Chapter 3, will apply.
b. On the hearing date, which shall be as soon as may be practicable after the appointment of the Chairperson, the Arbitration Panel shall meet, swear witnesses, take testimony and receive evidence and have a complete and full hearing on the matter.

c. The Chairperson of the Arbitration Panel may adjourn the hearing from time to time as necessary. Upon request of a party to the arbitration for good cause, or upon his/her own determination the Chairperson may postpone the hearing from time to time.

d. The Chairperson of the Arbitration Panel shall preside at a hearing. He/she shall be the judge of the relevance and materiality of the evidence offered and shall rule on questions of procedure. He/she shall exercise all powers relating to the conduct of the hearing, and conformity to legal rules of evidence shall not be necessary.

e. The parties to the arbitration are entitled to be heard, to present evidence and to cross-examine witnesses appearing at the hearing.

f. If any party to an arbitration who has been notified fails to appear at the hearing, the Chairperson of the Arbitration Panel may either post-pone the hearing or proceed with the hearing and determine the controversy upon the evidence produced, notwithstanding such failure to appear.

g. Any party may have the hearing reported at his/her own expense, but if he/she does so he/she must provide a copy free of charge to the Arbitration Panel. Further, in such event, any other party to the arbitration shall be likewise entitled to a copy of the transcript at his/her own expense by arrangements made directly with the reporter.

11. ARBITRATION DECISIONS

a. A decision of an Arbitration Panel shall be rendered promptly after the close of the hearing and, in any event, within sixty (60) days after conclusion of the hearing and written submissions if any.

b. The decision shall be made by majority of the Arbitration Panel. The award shall be in writing and signed by the members concurring therein. It shall state only the amount of the award, if any, and the terms of payment if applicable.

c. If a majority of the Arbitration Panel cannot agree on a decision, the matter shall be resubmitted, *de novo*, to a new panel.

d. If a majority of the Arbitration Panel believes that a fee charged by an attorney licensed to practice law in the State of Rhode Island is illegal or clearly excessive within the meaning of Rule 1.5 of the Rules of Professional Conduct, the Panel shall, in addition to rendering its decision in accordance with this section, notify the Disciplinary Counsel in writing.

12. WAIVER OF HEARING

If both parties in writing waive a hearing, the Arbitrator may dispense with the hearing and decide the matter on written submissions. In such cases the Panel shall give the parties suitable time to present their cases in writing.

13. CONFIDENTIALITY

a. All records, documents, files, proceedings and hearings pertaining to the arbitrations of any fee dispute under these rules shall be confidential, and shall not be open to the public or any person not involved in the dispute.

b. The decision of the Arbitration Panel may be available to those having a legitimate interest therein.



RULES FOR PROCEEDINGS BEFORE THE RHODE ISLAND BAR ASSOCIATION FEE ARBITRATION COMMITTEE

This pamphlet has been prepared to inform the client and attorney of available procedures for the resolution of fee disputes through proceedings before the Fee Arbitration Committee.

Rhode Island Bar Association

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