

## FEE ARBITRATION PROGRAM

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### **Please read carefully before filling out the form:**

The Oregon State Bar's Fee Arbitration Program is **voluntary, not mandatory**. The program is designed to resolving disputes over fees between:

- An Oregon attorney and a client;
- Oregon clients with out-of-state attorneys; or
- Attorneys who are members of the Oregon State Bar.

The OSB General Counsel's Office may decline matters where there is less than \$250 in dispute.

Enclosed are the following:

- Petition for Arbitration
- Agreement to Arbitrate (with optional request for Mediation)
- Fee Arbitration Rules
- Fee Arbitration Information
- Fee Mediation Information

### **To start a Fee Arbitration or Mediation:**

- Fill out the petition and agreement and return it to OSB Fee Arbitration/Mediation Program at:  
Oregon State Bar  
Fee Arbitration Program  
PO Box 231935  
Tigard, OR 97281-1935
- Please send a copy of the fee agreement, billing statements, and other documents that help explain the dispute.
- Anything that accompanies the petition and agreement will be sent to the Respondent, Arbitrator(s), and/or Mediator.

### **Process:**

- Once you return the petition and agreement to the OSB, it will be sent to the Respondent for signature.
- Respondent has 21 days to respond to the petition. Because the program is voluntary, if the respondent declines to participate in mediation/arbitration the case will be closed.
- If you agree to arbitrate, but do not attend the hearing, the arbitrator(s) can still make a binding decision.

- If the Respondent agrees to arbitrate, we will require you to pay a filing fee: \$50 for amounts in dispute under \$7500 or \$75 for amounts in dispute over \$7501 and higher. DO NOT send the filing fee until we ask for it.
  - Once the filing fee has been received a list of volunteer mediators and/or arbitrators will be sent to you and the Respondent so that you can challenge people you think may have a conflict of interest.
  - Once the lists are received from both you and the respondent the General Counsel's Office will appoint a mediator, arbitrator, or arbitration panel to facilitate a settlement or hold a hearing and make a decision.
  - When the mediator, arbitrator, or arbitration panel is appointed, they will ask you for available dates for a mediation session or an arbitration hearing.
  - It should take 60 to 90 days to complete the mediation/arbitration process. Sometimes, scheduling can take longer if parties are unavailable.
  - If your dispute settles in mediation a Mediation Settlement Agreement **will not** be sent to the Oregon State Bar. The mediator will send an email to the General Counsel's Office that the case reached a settlement.
  - If you mediate but do not settle your dispute, the case will be assigned to an arbitrator or arbitration panel and will proceed to an arbitration hearing.
  - Arbitrations will produce an Arbitration Award and a Money Award. They will be sent to the Oregon State Bar and then forwarded to you and the Respondent.

**Arbitration awards are final and binding on both parties**, subject to the remedies available in ORS 36.615, 36.705 and 36.710. An order confirming the award and a judgment thereon may be entered by any court having jurisdiction, pursuant to ORS 36.615, 36.700 and 36.715.
- If you have a disability for which you need accommodations in the fee arbitration process, or if you need to receive the printed materials in a different format, please contact Cassandra Stich at 503-431-6334.

# FEE ARBITRATION PROGRAM

## PETITION TO ARBITRATE FEE DISPUTE

OSB Case No. \_\_\_\_\_

Petitioner\*: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Cell #: \_\_\_\_\_

E-mail: \_\_\_\_\_

VS

Respondent\*: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

**\*Petitioner means the client or attorney requesting mediation/arbitration.  
Respondent is the client or attorney responding to the request**

**PLEASE Answer the questions to the best of your ability.**

- Was the attorney referred by (check one):  
 Modest Means Program     OSB Lawyer Referral Service     Neither
- What type of case was the attorney hired for? \_\_\_\_\_
- Was there a Fee Agreement? Yes  No   
 The fee agreement was: (if written please provide copy)  
 Hourly  
 Fixed or Flat  
 Contingency  
 Other (describe) \_\_\_\_\_
- Were you billed on a regular basis? Yes  No   
 Were the charges itemized? Yes  No



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## Agreement to Arbitrate

OSB Case No. \_\_\_\_\_

Petitioner and Attorney hereby agree to submit their fee dispute to the Oregon State Bar Fee Arbitration Program. The parties agree that they are correctly named parties to the dispute. The parties also agree that they are either (1) a lawyer or law firm who provided legal services to a named party, (2) a lawyer or law firm who provided legal services to a named party's client, or (3) a client who received legal services from a named party.

Each party acknowledges receipt of a copy of the Rules of the Oregon State Bar on Arbitration of Fee Disputes.

The arbitration award shall be binding upon the parties, subject to the remedies available under ORS 36.705 and 36.710. The parties acknowledge that this arbitration shall not be governed by or subject to ORS 36.600 to 36.740 except as expressly provided in the Fee Arbitration rules and the parties hereby waive those requirements to the extent permitted by ORS 36.615.

Each party agrees to pay promptly any amount determined by the arbitration. The award may be confirmed by the court and a judgment entered thereon pursuant to ORS 36.700.

If either party to this agreement is a corporation, partnership, association or other entity, the person signing on behalf of that party warrants that he or she is duly authorized to enter into this agreement on behalf of the party. This agreement shall not be binding until signed by or on behalf of both parties.

### *Optional Mediation (please initial if you agree)*

\_\_\_\_\_ Petitioner requests mediation before arbitration.

\_\_\_\_\_ Respondent agrees to mediation before arbitration

(Note: Mediation is a non-binding form of alternative dispute resolution. Arbitration is a binding form of alternative dispute resolution. Arbitration is a process where each side presents its case at a hearing to a neutral arbitrator appointed by General Counsel.)

(Please sign below)

\_\_\_\_\_  
Petitioner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent's Signature

\_\_\_\_\_  
Date