

# FEE DISPUTE RESOLUTION PROGRAM

---

## Please read carefully before filling out the form:

The Oregon State Bar's Fee Dispute Resolution 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.

*Mediation is a non-binding form of alternative dispute resolution. Mediation is process where the mediator communicates with both sides to try and facilitate a settlement agreement.*

*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.*

## To start a Fee Mediation:

- Fill out the petition and sign the **agreement to mediate**: Return those and accompanying documents to the Oregon State Bar at the address below.

Send a copy of the fee agreement, billing statements, and other documents that will help the mediator understand the dispute.

## To start a Fee Arbitration:

- Fill out the petition and sign the **agreement to arbitrate**: Return those and accompanying documents to the Oregon State Bar at the address below.
- Send a copy of the fee agreement, billing statements, and other documents that will help the arbitrator understand the dispute.

## Address

- Fee Mediation or Fee Arbitration Petition forms and any accompanying documents may be emailed to:

Robyn Smith at [rsmith@osbar.org](mailto:rsmith@osbar.org)

or physically mailed to

Oregon State Bar  
Fee Dispute Resolution Program  
PO Box 231935  
Tigard, OR 97281-1935

If you have a disability for which you need accommodation in the fee dispute resolution process, or if you need to receive the printed materials in a different format, please contact Robyn Smith at 503-431-6383.

# FEE DISPUTE RESOLUTION PROGRAM

Oregon State Bar

## PETITION

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

Petitioner*: _____	
Mailing Address: _____	
Phone #: _____	Cell #: _____
E-mail: _____	

VS

Respondent*: _____	
Mailing Address: _____	
Phone #: _____	Cell #: _____
E-mail: _____	

\*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.

1. Was one of the following programs used: (check one):

Modest Means Program     OSB Lawyer Referral Service     Neither

2. What type of case (ex. Divorce, Landlord Tenant, Probate, Personal Injury)?

\_\_\_\_\_

3. Was there a Fee Agreement? Yes  No

If yes what type: (if written please provide copy)

- Hourly
- Fixed or Flat
- Contingency
- Other (describe) \_\_\_\_\_

4. How much was charged? \$ \_\_\_\_\_

5. How much was paid? \$ \_\_\_\_\_

6. Did the attorney-client relationship end? Yes  No

7. How much of the fees are in dispute? \$ \_\_\_\_\_

8. Have you discussed the fee dispute with the attorney/client? Yes  No

9. Is there a Small Claims or Circuit Court case pending regarding these fees? Yes  No

If yes provide case number \_\_\_\_\_

10. Has the matter been turned over to a Collection Agency? Yes  No

11. Is there a bankruptcy case pending? Yes  No

12. Is there a malpractice case pending? Yes  No

13. Are you represented by an attorney for this fee dispute? Yes  No

If yes, please list name of attorney. \_\_\_\_\_

Why are the fees in dispute? Be specific. Please type, write legibly, or attach a letter of explanation. (If additional space is needed please attach separate pages.)

**(attach any additional pages)**

**Agreement to Mediate**

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

Petitioner and Respondent (the “parties”) hereby agree to submit their fee dispute to the Oregon State Bar Fee Dispute Resolution Program for mediation. 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.

**Fee Dispute Resolution Rules.** Each party agrees that the mediation will be subject to the Oregon State Bar Fee Dispute Resolution Rules located at <http://www.osbar.org/feedisputeresolution>. The parties agree that they have reviewed the Rules prior to signing this agreement.

**Confidentiality.** The parties acknowledge that although mediation communications are generally confidential, ORS 36.220, by participating in mediation, they are agreeing to some exceptions to this confidentiality. These exceptions relate to mandatory reporting of child and elder abuse.

**Entity Representative.** 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.

(Please sign below)

\_\_\_\_\_  
**Petitioner’s Signature**  
Name (print) \_\_\_\_\_  
Title (if any) \_\_\_\_\_

\_\_\_\_\_  
Date (mm/dd/yyyy)

\_\_\_\_\_  
**Respondent’s Signature**  
Name (print) \_\_\_\_\_  
Title (if any) \_\_\_\_\_

\_\_\_\_\_  
Date (mm/dd/yyyy)

## FEE DISPUTE RESOLUTION PROGRAM

---

### Agreement to Arbitrate

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

Petitioner and Respondent (the “parties”) hereby agree to submit their fee dispute to the Oregon State Bar Fee Dispute Resolution Program for binding arbitration. 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.

**Fee Dispute Resolution Rules.** Each party agrees that the arbitration is subject to the Oregon State Bar Fee Dispute Resolution Rules located at <http://www.osbar.org/feedisputeresolution>. The parties agree that they have reviewed the Rules prior to signing this agreement.

**Confidentiality.** The parties acknowledge that although the arbitration is not a public proceeding and arbitration records shall not be subject to public disclosure, unless all parties to the arbitration agree otherwise. Arbitration records may be disclosed under the limited circumstances outlined in Section 10 of the Oregon State Bar Fee Dispute Resolution Rules.

**Binding Award.** 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 Dispute Resolution 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.

**Entity Representation.** 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.

(Please sign below)

\_\_\_\_\_  
**Petitioner’s Signature**

\_\_\_\_\_  
 Date (mm/dd/yyyy)

Name (print) \_\_\_\_\_

Title (if any) \_\_\_\_\_

\_\_\_\_\_  
**Respondent’s Signature**

\_\_\_\_\_  
 Date (mm/dd/yyyy)

Name (print) \_\_\_\_\_

Title (if any) \_\_\_\_\_