CHART II – Part 1
FEE ARBITRATION PROGRAM
2006 ABA *Survey of Fee Arbitration Programs*
Source: ABA Center for Professional Responsibility

JURISDICTION	Is the Fee arbitration program available through: a. Local bar associations: b. Statewide bar associations: c. Your jurisdiction highest court: d. Your jurisdiction's lawyer disciplinary agency: If available through more than one, please describe relationship:	Was your fee arbitration program established by: a. Court Rule b. Statute c. Other (please describe)	What is the date your jurisdiction adopted fee arbitration program?	Is your fee arbitration program: a. Mandatory for both client and lawyer: b. Mandatory for lawyer if initiated by client: c. Voluntary for both client and lawyer: d. Mandatory for client and lawyer if there is a pre-existing arbitration agreement between the parties: e. Other:	In your jurisdiction : a. Only clients may file a request to arbitrate a fee dispute: b. Both a lawyer or a client may file a request to arbitrate a fee dispute:
AL	Statewide bar associations	Board Action	1997	Voluntary for both client and lawyer	Both lawyer or client
AK	Statewide bar associations	Court Rule	1974	Mandatory for lawyer if initiated by client	Client only
AZ	Statewide bar associations	State Bar of AZ Board of Governors	Early 1960's	Voluntary for both client and lawyer	Both lawyer or client
AR	N/A	N/A	N/A	N/A	Both lawyer or client
CA	Local and Statewide bar Associations State bar oversees 44 local bar programs and runs its own program fro counties where no program exists or to take conflict cases.	Statute	1978	Mandatory for lawyer if initiated by client; Voluntary for both client and lawyer (theoretically); Mandatory for client and lawyer if there is a pre-existing arbitration agreement between the parties.	Both lawyer or client
CO	Local and Statewide bar Associations	Other	1998	Voluntary for both client and lawyer	Both lawyer or client

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CT					
DE					
DC	Statewide bar associations	Court Rule	Voluntary fee program since 1982. Voluntary malpractice since 1989. Mandatory fee arbitration since 1995 if client petitioner.	Mandatory for lawyer if initiated by client.	Both lawyer or client
FL					
GA					
HI	Statewide bar associations; Lawyer disciplinary agency	Bar rules	-	Voluntary for both client and lawyer	Client only
ID	Lawyer disciplinary agency	Court rule	1971	Voluntary for both client and lawyer	Both lawyer or client
IL					
IN	Local and Statewide bar associations; None	State Bar Association Policy.	Oct. 6, 2006	Voluntary for both client and lawyer.	Both lawyer or client

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	several local bars have an existing program.				
IA					
KS	Statewide bar associations	N/A	1997	Voluntary for both client and lawyer	Both lawyer or client
KY	Statewide bar associations	Court Rule	July 1, 1984	Voluntary for both client and lawyer	Both lawyer or client
LA	Local bar associations; Statewide bar associations. - The LSBA has a statewide Fee Arbitration Program. We encourage local bar associations to have programs as well.	The Louisiana State Bar Association adopted the Fee Arbitration Program	1991	Voluntary for both client and lawyer; Mandatory for client and lawyer if there is a pre-existing arbitration agreement between the parties	Both lawyer or client
ME	Lawyer disciplinary	Court Rule	1978	Mandatory for lawyer if initiated by	Client only

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	agency; The Maine bar's governing body is the Board of Overseers of the Bar, which is an arm of the Maine Supreme Judicial Court. One Commission of the Board of Overseers of the Bar is the Fee Arbitration Commission.			client	
MD	Local and Statewide bar associations. Four jurisdictions administers their own fee dispute programs while all others fall under the statewide bar program.	-	-	Voluntary for both client and lawyer	Client only
MA	Statewide bar associations	Other – neither statute nor required by court	1974	Voluntary for both client and lawyer	Both lawyer or client

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		rule. Fee arbitration is a voluntary, consensual process.			
MI	Lawyer disciplinary agency	Court Rule	-	Voluntary for both client and lawyer	Both lawyer or client
MN	-	-	-	-	-
MS					
MO	Statewide bar association	Board of Governors	1993	Voluntary for both client and lawyer	Clients only
MT	Statewide bar association	Court Rule	1998	Voluntary for both client and lawyer	Under the old Rules, both client and attorney had to agree to arbitration. If attorney fails to sign arbitration agreement, we proceed with the "non-binding" arbitration and attorney has 30 days from date

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					of decision to file a lawsuit if he/she disagrees with the decision.
NE					
NV	Statewide bar association	Court Rule	Unknown	Effective Aug. 2004, If respondent attorney has had 3 or more fee disputes during the past 2 years, then proceeding shall become mandatory.	Both lawyer or client
NH	Statewide bar associations	Bar Association initiative	-	Voluntary for both client and lawyer	Both lawyer or client
NJ	Jurisdiction highest court; - The program is administered by the Office of Attorney Ethics of the Supreme Court of	Court Rule	1978	Mandatory for lawyer if initiated by client	Clients only

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	New Jersey				
NM	Statewide bar associations	The current fee arbitration program was originally a committee of the State Bar of New Mexico	1990	Voluntary for both client and lawyer; Voluntary if either party declines to arbitrate, there is no arbitration	Both lawyer or client
NY					
NC	Certain bar association	Statute	1994 adopted mediation program	Mandatory for lawyer if initiated by client	Clients and any individual that paid the legal fees on behalf of the client may file a request for mediation.
ND	Statewide bar associations	Other; We have a fee arbitration panel in each of seven judicial districts created by State Bar Association policy	Uncertain	Voluntary for both client and lawyer	Both lawyer or client

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OH	Local bar associations; Statewide bar associations - State bar association handles only fee disputes between lawyers. Lawyer-client fee disputes are handled by 19 local bar associations.	Court rule; To be a mandatory program local bar associations are to form committees in conformance with Gov. Bar R.V. , but many local bar associations have non-mandatory programs set up through the associations' by-laws that not governed by court rule.	Would vary by local association.	Some local bar associations have mandatory programs, some have voluntary programs. In Ohio, it is never mandatory for a client to participate in fee arbitration. "Mandatory" applies only to attorneys.	Both lawyer or client
OK					
OR	Statewide bar association	Board of Governors	1976	Voluntary for both client and lawyer	Both lawyer or client
PA					
RI	Statewide bar	Court Rule	1998	Voluntary for both client and lawyer – If a client initiates, lawyer has option to	Both lawyer or client

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	association			participate but arbitration goes forward whether or not attorney agrees to participate. Prior to 1998, arbitration only took place if both parties agreed.	
SC	Statewide bar association	Court Rule	December 14, 1993	Mandatory for both client and lawyer	Both lawyer and client with written consent of client.
SD					
TN					
TX	-	-	-	-	-
UT	Statewide bar association	Court Rule	September 1, 1986	Voluntary for both client and lawyer	Both lawyer or client
VT					
VA					
WA	Statewide bar association; Lawyer disciplinary agency; -	WSBA as part of the consumer protection movement	Mid 1970's – administration time as part of Office of Disciplinary Counsel (ODC). 1998 moved to	Voluntary for both client and lawyer	Both lawyer or client

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	As part of diversion program, the office of disciplinary counsel refers lawyers to WSBA's ADR programs, including Fee Arbitration, where appropriate		Lawyer Services Department as part of ADR program , administered full time		
WV					
WI	The Wisconsin program is available only through the state bar. Referrals can come from our lawyer disciplinary agency.	The program was approved by the Board of Governors of the State Bar of Wisconsin, but is administered by the Committee on Resolution of Fee Disputes. Any substantive procedural rule changes must be approved by the Board.	1981	Voluntary for both client and lawyer	Both lawyer or client

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WY	Statewide bar associations	Court Rule	May 11, 1989	Voluntary for both client and lawyer	Both lawyer or client
LOCAL JURISDICTIONS					
BHBA	Local bar associations; Statewide bar associations - State bar will take cases when there is cause for unfair locally	Statute	1984	Mandatory for lawyer if initiated by client; Mandatory for client and lawyer if there is a pre-existing arbitration agreement between the parties.	Both lawyer or client
CCPBA	Local bar associations	Fee Dispute Committee is a Standing Committee of the Chester County Bar Association.	Approximately 15 years ago.	Voluntary for both client and lawyer	Clients only
CCCBA	Local bar associations; Statewide bar associations	Statute	January 1, 1979	Mandatory for client and lawyer if there is a pre-existing arbitration agreement between the parties.	Both lawyer or client

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	- State Bar's program handles cases where client can show they won't get a fair hearing at the local level				
DBAFDC	Local bar association; - In June 2005, the Board of Directors of the State Bar of Texas adopted Model Fee Dispute Arbitration Rules which are based on the Dallas Bar Association rules. The State Bar of Texas adopted these model rules pursuant to section 81.112 of the Texas Government Code	Adopted by the Dallas Bar Association	First adopted in the 1970's and new rules adopted July 18, 2002	Voluntary for both client and lawyer	Both lawyer or client
DCBA	Local bar associations	-	-	Voluntary for both client and lawyer	-

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				(mediation)	
ICBA	Local bar associations; Statewide bar associations; Lawyer disciplinary agency - Local bar program does cases unless conflict exists in which case mandatory state bar program handles case.	Statute; Local program established under statutes and in agreement with State Bar of California	1981	Mandatory for lawyer if initiated by client; Voluntary for client; Mandatory for lawyer	Both lawyer or client
MBAFDC	Local bar associations	By-laws of the Montgomery Bar Association	1981	Voluntary for both client and lawyer	Both lawyer or client
PAABA	Local bar associations; Statewide bar associations	The local bar association set fee law so the consumer uses it.	Many years ago	Mandatory for lawyer if initiated by client; Mandatory for client and lawyer if	Both lawyer or client

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				there is a pre-existing arbitration agreement between the parties	
PBA	Local bar associations	Court Rule	Unknown – more than 30 years	Voluntary for both client and lawyer	Both lawyer or client
SCBA	Local bar associations; Statewide bar associations; - We are State Bar approved. We adopt most of their policies.	State Bar	N/A	Mandatory for lawyer if initiated by client	Clients only
SCCBA	Statewide bar associations - Local bar programs are authorized by the state bar; state bar takes conflict cases or person	Statute	Do not have the records	Mandatory for lawyer if initiated by client	Both lawyer or client

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	can elect to go through state bar instead of local program.				
SGVLRS	Local bar associations; Statewide bar associations	Statute	Unknown	Mandatory for lawyer if initiated by client; Mandatory for client and lawyer if there is a pre-existing arbitration agreement between the parties	Both lawyer or client
VCBA	Local bar associations Statewide bar associations Highest court Disciplinary agency	Statute	January 1, 1979	Mandatory for lawyer if initiated by client	Both lawyer or client
WCBA	Local bar associations	Bar associations by-laws	1983	Mandatory for both client and lawyer	Not clearly addressed in our rules, but I don't see why an attorney would request.

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