

**CHART VII - OTHER**  
 2006 Survey of Fee Arbitration Programs  
 Source: ABA Center for Professional Responsibility

<b>JURISDICTION</b>	Does your program permit non-lawyer to serve as an advisor or representative, or as an assistant or supporter for a party in your arbitration proceeding?  If yes, please describe what the helper is allowed to do or not do at the proceeding:  If no, please provide reason:	Has your entity produced public service announcements or other promotional materials about the fee arbitration program and /or its procedures?	If yes, where are the PSA's and/or other promotional materials distributed? (Check all that apply)  1. Local media 2. Courts 3. Local bar associations 4. Lawyer publications 5. Neighborhood legal clinics 6. Lawyer disciplinary agency 7. Other (Please describe)	What is the most common challenge experienced by your program?
<b>AL</b>	No; The action would constitute the unauthorized practice of law in my jurisdiction.	Yes	Local bar associations; lawyer publications; lawyer disciplinary agency	Initially used as a deflection from disciplinary system - now when disciplinary complaints are screened out as fee disputes not involving "unethical conduct" our program gets a lot of "junk complaints" or petition to mediate or arbitrate - for many it is a "second bite of the apple."
<b>AK</b>	Yes	Yes	Lawyer disciplinary agency; pamphlets are available at court houses	Finding arbitrators in small communities.
<b>AZ</b>	No; The action would constitute the unauthorized practice of law in my jurisdiction.	No	-	Clerks disgruntled because our fee arbitration is not mandatory; finding enough arbitrators; finding arbitrators for matters in outlying counties.
<b>AR</b>	N/A	N/A	N/A	N/A
<b>CA</b>	Yes; Support person permitted to attend but may not act as advocate if non-attorney.	Yes	Local bar associations; Lawyer publications & consumer pamphlets; Lawyer disciplinary agency	Achieving consistent administration and arbitrator training for the 44 local bar associations that offer fee arbitration under the authority of the State Bar of California.
<b>CO</b>	Yes	No	-	Getting cases completed in a timely manner; setting arbitration dates with all parties.
<b>CT</b>				

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<b>DE</b>				
<b>DC</b>	Yes; Provide support for the party and is authorized by the party- represent the interest of the party.	Yes	Courts; Local bar associations; Lawyer publications; Lawyer disciplinary agency; Program mentioned in "Washington Lawyer" magazine; Journal of the DC Bar.	(1) The Attorney/Client Arbitration Board (ACAB) has no mechanism for enforcing awards so if a party does not comply with an award the award must be enforced in court and ACAB no longer has involvement in ensuring compliance. (2) Scheduling hearings is a common challenge
<b>FL</b>				
<b>GA</b>				
<b>HI</b>	No	-	Local media; Courts; Lawyer publications; Lawyer disciplinary agency	Clients perception of what the program can as ours is voluntary and just an option.
<b>ID</b>	No; The action would constitute the unauthorized practice of law in my jurisdiction.	Yes	Lawyer publications; disciplinary agency	Our most common challenge is assigning volunteers who have not recently been assigned to previous cases.
<b>IL</b>				
<b>IN</b>	Yes	No	-	We are too new to say.
<b>IA</b>				
<b>KS</b>	N/A	No	-	We have to make sure the program is not abused. Although clients are told numerous times that the program is strictly

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				volunteer, Clients do not understand that we cannot make attorneys participate and we cannot enforce what the panel decides.
<b>KY</b>	Yes; Adult child may appear to assist elderly parent at hearing.	No	-	The amount of time required to administer arbitrations through the process to conclusion.
<b>LA</b>	Yes; Presumably, the representative is allowed to represent the party. We have never had a formal request along those lines. Most claimants represent themselves.	Yes	Lawyer publications; Lawyer disciplinary agency	Staff time required to administer the program.
<b>ME</b>	No	Yes	Local bar associations; lawyer disciplinary agency; Board of Overseers' website: <a href="http://www.mebaroverseers.org">www.mebaroverseers.org</a>	Facilitating communication between the parties prior to hearing on a petition.
<b>MD</b>	No	No	-	-
<b>MA</b>	No; All parties to the fee dispute must have a connection in the dispute.	Yes	Courts; local bar associations; neighborhood legal clinics; lawyer disciplinary agency.	Getting the parties to consent to participate in the process.
<b>MI</b>	No; The action The action would constitute	No	-	Lawyers are reluctant to agree to fee arbitration, especially if they have already

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	the unauthorized practice of law in my jurisdiction.			been paid.
<b>MN</b>	-	-	-	-
<b>MS</b>				
<b>MO</b>	Yes; Confer with the party but not allowed to enter into discussions or give testimony unless as a witness.	No	-	Lawyers who have repeated fee complaints and continuously refuse to participate.
<b>MT</b>	Yes; while there are no rules that address this; the chair of the arbitration board has a final say as to what goes on during a hearing. Witnesses may be sworn and testify; parties may bring in a family member for moral support and to help answer questions. Hearings are usually informal.	Yes	In State Bar monthly publications, "The Montana Lawyer"	Staffing and lack of arbitrators in some jurisdictions.
<b>NE</b>				
<b>NV</b>	No	Yes	Free brochure available in bar lobby and distributed to potential claimants. Also, information available on bar's website.	Lack of enforcement "teeth"
<b>NH</b>	No;	Yes	Lawyer publications	Obtaining agreement of all parties to participate

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<b>NJ</b>	No; The action would constitute the unauthorized practice of law in my jurisdiction.	Yes	Courts; Lawyer disciplinary agency; website	Prisoner cases.
<b>NM</b>	Yes	Yes	Courts; Lawyer publications; Lawyer disciplinary agency; Brochures	The process of finding arbitrators for the arbitration; also getting voluntary arbitrators to schedule the arbitration and get an award completed in a timely manner.
<b>NY</b>				
<b>NC</b>	No	Yes	Courts; Local bar associations; Libraries	The fact that many attorneys charge a client a
<b>ND</b>	No	Yes	Local bar associations; Lawyer publications; Our website	None. We have arbitrated one dispute in the past five years. In all other cases, once a lawyer has learned a client has requested an arbitration, the matter has been settled.
<b>OH</b>	-	-	-	-

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<b>OK</b>				
<b>OR</b>	Yes; Within discretion of presiding arbitrator and subject to UPL consideration	Yes	Website	Underutilization
<b>PA</b>				
<b>RI</b>	Yes; Varies, depending on the Chair.	No	-	Lack of non-attorney arbitrators. Not enough time to devote to program. This is just one of several programs I administer with no staff.
<b>SC</b>	No	No	-	-
<b>SD</b>				
<b>TN</b>				
<b>TX</b>	-	-	-	-
<b>UT</b>	Yes	Yes	Local bar association; Lawyer publications; Lawyer disciplinary agency	Participation process. I would like more of them to participate.
<b>VT</b>				
<b>VA</b>				
<b>WA</b>	Yes; The participation of non-lawyer support at the hearing is controlled by the arbitrator	Yes	Local media; Courts; Lawyer publications; Lawyer disciplinary agency	<b>1.)</b> Clients and lawyers alike often want to be told which program (Fee Arbitration or mediation) to choose or even if they should participate on either program. Clients often want legal advice. The challenge is to

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				provide enough information for inquiries to make informed decisions without recommending a specific course of action. <b>2.)</b> Lack of good communication between lawyers and clients about fees, amount, structure, billing practices, what the fee actually pays for (lawyer's skills and time, not a specific result), difference between fees and costs et. <b>3.)</b> Convincing lawyers to participate. Convincing clients it will be fair. <b>4.)</b> Perception among public that the bar's program will protect its own.
<b>WV</b>				
<b>WI</b>				
<b>WY</b>	No; The action would constitute the unauthorized practice of law in my jurisdiction	Yes	Lawyer publications; Website	Finding attorneys to sit on the fee dispute committee, especially from sparsely populated counties. The expense of operating panels far exceeds the \$25 filing fee.
<b>LOCAL JURISDICTIONS</b>				

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<b>BHBA</b>	Yes; lend moral support	Yes; No (PSA's)	Lawyer publications; Mailing to members, articles in Bar Brief	Client's that don't want to pay filing fee; clients and attorneys that do not listen.
<b>CCPBA</b>	Yes ; we have no limits	Yes	Local media; Courts; Local bar associations; Lawyer publications; Lawyer disciplinary agencies; Bar website	Having attorney agree to binding arbitration.
<b>CCCBA</b>	Yes; support only	Yes	Courts; Neighborhood legal clinics; website	People who don't read the rules or brochures, but file anyway. Then call the office for explanations. Finding volunteer arbitrators without conflicts of interest with the more well known attorneys. Especially in the area of family law.
<b>DBAFDC</b>	Yes; Rules don't specifically address this	Yes	Local bar associations; Lawyer publications; Dallas Bar Association website and Newsletter	Obtaining the necessary consent to arbitrate
<b>DCBA</b>	-	-	-	-
<b>ICBA</b>	-	-	-	-
<b>MBAFDC</b>	No; The action would constitute the unauthorized practice of law in my	No	-	When a lawyer refuses to participate, a client really has no remedy through the Fee Dispute Committee but rather is

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	jurisdiction			referred to the Disciplinary Board for further action, or to the Courts.
<b>PAABA</b>	Yes; Depends on the arbitrator and the capabilities of the parties.	-	-	A party feels there is bias in an arbitration, if challenged by another panelist.
<b>PBA</b>	Yes; A non-lawyer representative has the authority to testify at a fee arbitration hearing on behalf of a client who is unable to appear due to incarceration. (Generally, we find that the representative is the relative who provided the money for representing the client in the criminal case.)	No	-	Educating the legal community about benefits of resolving fee disputes through our program.
<b>SCBA</b>	Yes; If the client does not feel confident in the proceeding they may call upon a non-lawyer person that may be a better speaker with more education.	No	-	Recruiting "Family Law" attorneys as most cases are "Family Law" related. Reassuring client that the program is client friendly.
<b>SCCBA</b>	No	-	-	N/A
<b>SGVLRs</b>	Yes; witness, interpret	No	-	-
<b>VCBA</b>	Yes; Provide support, provide interpreting	Yes;	Internet –Ventura County Bar website	-

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	services for the client			
<b>WCBA</b>	Yes; Hasn't come up	No	-	-