

AMERICAN BAR ASSOCIATION
CENTER FOR PROFESSIONAL RESPONSIBILITY
STANDING COMMITTEE ON CLIENT PROTECTION

2008 ABA Fee Arbitration Survey

The ABA Standing Committee on Client Protection recently surveyed the states about their attorney-client fee arbitration programs with a special focus on the customer-centric aspects of their programs. The non-scientific questionnaire posed a series of brief questions to elicit information about what are commonly assumed to be “client friendly” or “consumer protection deliverables.” Charts 1-4 categorizing the responses received are attached.

Of the 50 states surveyed, 45 states responded.¹ Pennsylvania’s three programs responded for a total of 47 responses to the survey. 39 “states”² have some form of attorney-client fee arbitration. Six (6) responses stated that their state offers no form of attorney-client fee arbitration.

The survey revealed a considerable divergence in program specifics. Some important trends were discerned. For example

- 32 states offer fee arbitration that does not require the attorney to participate (“voluntary” fee arbitration.)
- 9 programs require fee arbitration of attorneys if requested by the client (“mandatory” fee arbitration).
- In 32 states, fee arbitration must be binding. Binding arbitration is optional in all but 2 of the other 7 states.
- In states where more than one program offers fee arbitration, guidelines exist for rule consistency between programs.
- In the vast majority of states, the arbitration program is posted on the bar association’s website with a downloadable claim form.
- Almost all bar associations provide live assistance to callers about the program.
- Although some states perform no public outreach, many states publicize the program directly or indirectly. A small number of states require the attorney to inform the client of the right to fee arbitration.
- 23 states use non-lawyer arbitrators, most always with lawyer arbitrators. 15 states use lawyer arbitrators only.
- Fee arbitration is free of charge in 26 states and a nominal flat fee is charged in 6 states.
- Roughly half of fee arbitration states also offer fee mediation.
- 10 states help clients enforce an unpaid arbitration award.

¹ Florida, Iowa, Maryland, Montana, Ohio, and Oklahoma did not participate in the survey.

² Since Pennsylvania’s programs submitted three responses, this summary’s reference to “states” also includes the three programs responding from Pennsylvania.

- Most programs provide for complete or partial confidentiality.
- Non-lawyer support persons may assist the client in at least 26 states.
- Although 16 states do not provide information about post-arbitration rights, most of the states with programs do.

Questions about the Survey and how to contact specific jurisdictions should be addressed to John A. Holtaway, Client Protection Counsel, ABA Center for Professional Responsibility, 321 North Clark Street, 15th Floor, Chicago, Illinois 60610, (312) 988-5298 or jholtaway@staff.abanet.org.

CHART 1
2008 ABA Fee Arbitration Survey
Source: ABA Center for Professional Responsibility

JURISDICTION	Name of responding entity	(1) Does your State offer a Fee Arbitration or Fee Mediation Program? a. Yes b. No	(2) Does your state require lawyers to participate in Fee arbitration at a client's request? a. Yes b. No	(3) If fee arbitration is not mandatory for lawyers are there standards or programs in your state requiring fee arbitration in the event of a lawyer's initial refusal to arbitrate? a. No - lawyers may decline without facing regulatory consequences b. Yes - disciplinary department can require fee arbitration to avoid discipline c. Yes - other (please explain)	(4) Are fee arbitrations in your state always binding? a. Yes – arbitration must be binding b. No - never binding) c. No - non-binding but parties may agree to binding arbitration) d. No - depends on the program	(5) If Arbitration in your state is non-binding, can the award become binding? a. No -Arbitration is non-binding only b. Yes -non-binding arbitration award becomes binding if neither party challenges the award in court
AL	Alabama State Bar	Yes	No	No	Yes	-
AK	Alaska Bar Association	Yes	Yes	N/A	Yes	N/A
AZ	State Bar of Arizona	Yes	No	No	Yes	-
AR	Arkansas Supreme Court Committee of Professional Conduct	No	-	-	-	-
CA						
	State Bar of California Mandatory Fee Arbitration Program	Yes	Yes	-	(c) No (d) No	Yes Binding after 30 days from date award is served unless there is a request for trial filed in court.
	Los Angeles County Bar Association	Yes	Yes	(c) Yes – Business and Professions code 6200-6206 requires an attorney to participate in mandatory arbitration if a client requests it. Failure to participate can result in the dismissal of a lawsuit if brought later and it can be proven the attorney willfully failed to appear at the fee arbitration hearing	(c) No	Yes
	Palo Alto County Bar Association	Yes	Yes	-	(c) No	-
	Solano County Bar Association	Yes	Yes	-	(c) No	Yes
	San Diego County Bar Association	Yes	Yes	-	(c) No	

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	San Mateo County Bar Association	Yes	Yes	-	(c) No	Yes
	Ventura County Bar Association	Yes	Yes	-	(c) No	Yes
CO	Colorado Bar Association	Yes	No (although the court can require it in disciplinary proceedings)	(b) Yes	(c) No	Yes
CT	Connecticut Bar Association	Yes	No	(a) No (c) Yes (The grievance committee sometimes refers cases to us to resolve in order to avoid discipline on related issues)	Yes	(Under state laws parties can move to vacate or confirm the award [in court])
DE	Delaware State Bar Associations Fee Dispute Conciliation and Mediation Committee	Yes	No	No	Yes	-
DC	DC Bar Attorney Client Arbitration Board	Yes	Yes	Fee Arbitration <u>is</u> mandatory.	Yes	Fee Arbitration <u>is</u> binding.
FL						
GA	State Bar of Georgia	Yes	No	No	(c) No	Yes
HI	Hawaii State Bar Association Attorney-Client Relations Committee Fee Dispute Program	Yes	No	No	Yes	Yes
ID	Idaho State Bar	Yes	No	No	Yes	-

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IL	Illinois State Bar Association	No	-	-	-	-
IN	Indiana State Bar Association	No	-	-	-	-
IA						
KS	Kansas Bar Association Fee Disputes Resolution Committee	Yes	No	No	Yes	-
KY	Kentucky Bar Association	Yes	No	(b) Yes	Yes	-
LA	Louisiana State Bar Association	Yes	No	(b) Yes	Yes	-
ME	Board of Overseers of the Bar	Yes	Yes	N/A	Yes	N/A
MD						
MA	Massachusetts Bar Association Fee Arbitration Board	Yes	No	No	Yes	-
MI	Michigan Attorney Grievance Commission	Yes	No	No	Yes	-
MN	Minnesota State Bar Association	Yes	No	No	(b) No	No
MS	The Mississippi Bar	Yes	No	No	Yes	-
MO	The Missouri Bar	Yes	No	No (The disciplinary counsel does sometimes strongly suggest to the attorney that they want to	Yes	-

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				participate in the fee Dispute Resolution Program in order to avoid a disciplinary investigation).		
MT						
NE	Nebraska State Bar Association	Yes	No	No	Yes	-
NV	State Bar of Nevada Fee Dispute Arbitration Committee	Yes	No (exception: if 3 claims were filed against attorney in past 2 years, then claim requires mandatory participation)	No	(c) No	No
NH	Dispute Resolution Committee New Hampshire Bar Association	Yes	No	No	Yes	-
NJ	Office of Attorney Ethics	Yes	Yes	-	Yes	-
NM	State Bar of New Mexico Fee Arbitration Program	Yes	No	No	Yes	-
NY	New York State Unified Court Systems	Yes	Yes	-	-	Yes
NC	North Carolina State Bar	Yes	Yes	-	(d) No	-

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ND	State Bar Association of North Dakota	Yes	No	No	Yes	-
OH						
OK						
OR	Oregon State Bar	Yes	No	No	Yes	-
PA						
	County of Beaver PA Bar Association					
	Berks County Bar Association	Yes	No	No	Yes	-
	Wayne County PA Bar Association	Yes	Yes	N/A	Yes	
RI	Rhode Island Bar Association	Yes	No	No	Yes	-
SC	South Carolina Bar	Yes	No	(c) Yes - (Lawyers not required to attend but generally does. The lawyer will be bound by the decision based on evidence presented to the hearing panel by the parties involved).	(d) No	Yes
SD	South Dakota	No	-	-	-	-
TN	Tennessee Lawyers' Fund for Client Protection	No	-	-	-	-
TX						
	Dallas Bar Association Fee	No	No	No	Yes	-

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	Disputes Committee					
UT	Utah State Bar	Yes	No	(b) Yes	Yes	-
VT	Vermont Fee Arbitration Committee	Yes	No	No	Yes	N/A
VA	Virginia State Bar	Yes	No	No	Yes	-
WA	Washington State Bar Association	Yes	No	No (b) Yes	Yes	-
WV	West Virginia State Bar	-	No	No	(b) No	-
WI	State Bar of Wisconsin	Yes	No	No	Yes	-
WY	Wyoming State Bar	Yes	Yes	No	Yes	-
	TOTALS	A. Yes – 39 B. No – 6	A. Yes – 9 B. No – 32	A. No– 28 B. Yes – 5 C. Yes – 2	A. Yes – 32 B. No – 2 C. No – 4 D. No – 3	A. No – 2 B. Yes – 6

ⁱ Response totals for California are only for the State Bar of California

CHART 2
2008 ABA Fee Arbitration Survey
Source: ABA Center for Professional Responsibility

JURISDICTION	(6) If your state offers fee arbitration through more than one bar association, are the arbitration rules uniform from program to program? a. Yes (programs have identical rules) b. Yes (only one program with one set of rules) c. No (but programs have highly consistent rules based on uniform minimum standards) d. No (each program has own rules which differ with no uniform standards)	(7) Does your state's website post information about the fee arbitration program? a. Yes (information posted about the program) b. No (state has no website or website does not post fee arbitration information)	(8) Does your state's website include a downloadable claim form for fee arbitration? a. Yes (claim form is down-loadable) b. No (state has no website or website does not post down-loadable claim form) c. No (program does not supply any claim form)	(9) Is your state's fee arbitration program staff available to provide information upon telephone inquiry? a. Yes (staff is available to provide information to consumers by telephone) b. No (consumers must communicate with staff in writing or e-mail) c. No (the program does not provide information other than printed materials)
AL	(d) No	No	Yes	(c) No
AK	N/A	Yes	(c) No	Yes
AZ	(b) Yes	Yes	Yes	Yes
AR	-	-	-	-
CA				
State Bar of California Mandatory Fee Arbitration Program	(c) No	Yes	Yes (for state bar program only. Local bar programs may or (may not) have forms on their own website)	Yes
Los Angeles County Bar Association	(c) No	Yes	Yes	Yes
Palo Alto County Bar Association	(c) No	Yes	Yes	Yes
Solano County Bar Association	N/A	Yes	-	Yes
San Diego County Bar Association	(c) No	Yes	Yes	Yes
San Mateo County Bar Association	(c) No	Yes	Yes	Yes
Ventura County	(c) No	Yes	Yes	Yes

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JURISDICTION	(6) If your state offers fee arbitration through more than one bar association, are the arbitration rules uniform from program to program?	(7) Does your state's website post information about the fee arbitration program?	(8) Does your state's website include a downloadable claim form for fee arbitration?	(9) Is your state's fee arbitration program staff available to provide information upon telephone inquiry?
	a. Yes (programs have identical rules) b. Yes (only one program with one set of rules) c. No (but programs have highly consistent rules based on uniform minimum standards) d. No (each program has own rules which differ with no uniform standards)	a. Yes (information posted about the program) b. No (state has no website or website does not post fee arbitration information)	a. Yes (claim form is down-loadable) b. No (state has no website or website does not post down-loadable claim form) c. No (program does not supply any claim form)	a. Yes (staff is available to provide information to consumers by telephone) b. No (consumers must communicate with staff in writing or e-mail) c. No (the program does not provide information other than printed materials)
Bar Association				
CO	(c) No	Yes	(c) No	Yes
CT	Not aware of other programs	Yes	Yes	Yes
DE	-	Yes	(b) No	Yes
DC	-	Yes	Yes	Yes
FL				
GA	N/A	Yes	(b) No	Yes
HI	(c) No	Yes	Yes	Yes
ID	-	Yes	Yes	Yes
IL	-	-	-	-
IN	-	-	-	-
IA				
KS	(d) No	Yes	Yes	Yes
KY	(b) Yes	Yes	Yes	Yes
LA	(d) No	Yes	Yes	Yes
ME	(b) Yes	Yes	Yes	Yes
MD				
MA	(c) No	Yes	Yes	Yes

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	a. Yes (programs have identical rules) b. Yes (only one program with one set of rules) c. No (but programs have highly consistent rules based on uniform minimum standards) d. No (each program has own rules which differ with no uniform standards)	a. Yes (information posted about the program) b. No (state has no website or website does not post fee arbitration information)	a. Yes (claim form is down-loadable) b. No (state has no website or website does not post down-loadable claim form) c. No (program does not supply any claim form)	a. Yes (staff is available to provide information to consumers by telephone) b. No (consumers must communicate with staff in writing or e-mail) c. No (the program does not provide information other than printed materials)
MI	(b) Yes	No	(b) No	Yes
MN	(c) No	No	(b) No	(c) No
MS	-	No	-	Yes
MO	(d) No	Yes	Yes	Yes
MT				
NE	(b) Yes	Yes	Yes	Yes
NV	(b) Yes	Yes	Yes	Yes
NH	(b) Yes	Yes	(b) No	Yes
NJ	-	Yes	Yes	Yes
NM	-	Yes	Yes	Yes
NY	(c) No	Yes	Yes	Yes
NC	(a) Yes	Yes	Yes	Yes
ND	(b) Yes	No	(b) No	Yes
OH				
OK				
OR	-	Yes	-	Yes
PA				
County of Beaver PA	(b) Yes	Yes	(b) No	(c) No

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	a. Yes (programs have identical rules) b. Yes (only one program with one set of rules) c. No (but programs have highly consistent rules based on uniform minimum standards) d. No (each program has own rules which differ with no uniform standards)	a. Yes (information posted about the program) b. No (state has no website or website does not post fee arbitration information)	a. Yes (claim form is down-loadable) b. No (state has no website or website does not post down-loadable claim form) c. No (program does not supply any claim form)	a. Yes (staff is available to provide information to consumers by telephone) b. No (consumers must communicate with staff in writing or e-mail) c. No (the program does not provide information other than printed materials)
Bar Association				
Berks County Bar Association	(c) No	No	(b) No	Yes
Wayne County PA Bar Association	-	No	(b) No	Yes
RI	-	Yes	Yes	Yes
SC	(b) Yes	Yes	Yes	Yes
SD	-	-	-	-
TN	-	-	-	-
TX				
Dallas Bar Association Fee Dispute Committee	(d) No	Yes	Yes	(c) No
UT	-	Yes	Yes	Yes
VT	N/A	Yes(pending)	(b) No	Yes
VA	-	Yes	-	Yes
WA	-	Yes	Yes	Yes
WV	(b) Yes	Yes	(c) No	Yes
WI	-	Yes	Yes	Yes

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WY	-	Yes	Yes	Yes
TOTALS	A. Yes – 1 B. Yes – 11 C. No – 7 D. No – 4	A. Yes – 35 B. No – 7	A. Yes – 26 B. No – 10 C. No – 3	A. Yes – 38 B. No – 0 C. No – 4

ⁱ Response totals for California are only for the State Bar of California

CHART 3
2008 ABA Fee Arbitration Survey
Source: ABA Center for Professional Responsibility

JURISDICTION	(10) In your state, how do most clients learn about the fee arbitration?	(11) Does your state publicize the fee arbitration program?	12. Does your state use non-lawyer arbitrators?	13. Does your state have standards encouraging the prompt resolution of fee disputes?
	a. Lawyer is required to provide written notice of fee arbitration to client b. Lawyer informally advises client of fee arbitration c. Word of mouth d. Public education e. Clients contact the bar association	a. No b. Yes 1. Newspaper 2. Fliers posted in public venues such as libraries or schools 3. Fliers in courthouses or self-help law centers 4. Other (explain) c. Indirect publicity 1. State offers CLE to educate lawyers about fee arbitration. 2. State uses general circulation publications to lawyers to promote 3. State uses direct mail or other means to court personnel to promote	a. No b. Yes (non-lawyer arbitrators only) c. Yes (on panels with lawyer-arbitrators only) d. Yes (although lawyer and non-lawyer arbitrators are used, panel may consist of only non-lawyer arbitrators without a lawyer arbitrator)	a. No (standards-time frame left to arbitration panel) b. No (standards-time frame left to administrator) c. Yes (standards provide for award within 3 months of claim) d. Yes (standards provide for award within 6 months of claim) e. Yes (standards provide for award for award up to one year)
AL	-	No C(2)	No	(b) No
AK	All (a-e)	Yes B(3) and C(1)	(c) Yes	(c) Yes
AZ	(b), (c), (e)	No C(1)(2)	-	(e) Yes
AR	-	-	-	-
*CA				
State Bar of California Mandatory Fee Arbitration Program	(a), (e)	No C(1)	-	(d) Yes
Los Angeles County Bar Association	(a), (b), (e)	No C(1)	(c) Yes	(b) No
Palo Alto County Bar Association	(a)	No	(c) Yes	-
Solano County Bar Association	(a), (e)	-	-	-
San Diego County Bar Association	(a), (c), (e)	Yes B(2)	(C) Yes	(a) No (b) No
San Mateo County Bar Association	(a)	Yes B(1) and C(1)	(c) Yes	(c) Yes

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	a. Lawyer is required to provide written notice of fee arbitration to client b. Lawyer informally advises client of fee arbitration c. Word of mouth d. Public education e. Clients contact the bar association	a. No b. Yes 1. Newspaper 2. Fliers posted in public venues such as libraries or schools 3. Fliers in courthouses or self-help law centers 4. Other (explain) c. Indirect publicity 1. State offers CLE to educate lawyers about fee arbitration. 2. State uses general circulation publications to lawyers to promote 3. State uses direct mail or other means to court personnel to promote	a. No b. Yes (non-lawyer arbitrators only) c. Yes (on panels with lawyer-arbitrators only) d. Yes (although lawyer and non-lawyer arbitrators are used, panel may consist of only non-lawyer arbitrators without a lawyer arbitrator)	a. No (standards-time frame left to arbitration panel) b. No (standards-time frame left to administrator) c. Yes (standards provide for award within 3 months of claim) d. Yes (standards provide for award within 6 months of claim) e. Yes (standards provide for award for award up to one year)
Ventura County Bar Association	(a), (e)	No	(c) Yes	(b) No
CO	(e)	C(2)	(c) Yes	(a) No
CT	(b)	Yes B(3)	(c) Yes	(a) No (b) No
DE	(e)	No	(c) Yes	(c) Yes
DC	(c), (e) (disciplinary branch of the Bar refers members of the public)	Yes B(4) – Lawyer disciplinary agency	(d) Yes	(a) No (b) No
FL				
GA	(c), (e)	C(1)(2)		(b) No
HI	(b), (e)	Yes B(3), B(4) – Information regarding the program is also printed on the lawyer referral and information service brochure. At times newspaper articles may contain lawyer complaint info and the arb program is mentioned; C(2)	(d) Yes	(c) Yes
ID	(e)	Yes B(4) – State of Idaho website has link to Idaho State Bar Website	(c) Yes	-
IL	-	-	-	-

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JURISDICTION	(10) In your state, how do most clients learn about the fee arbitration?	(11) Does your state publicize the fee arbitration program?	12. Does your state use non-lawyer arbitrators?	13. Does your state have standards encouraging the prompt resolution of fee disputes?
	a. Lawyer is required to provide written notice of fee arbitration to client b. Lawyer informally advises client of fee arbitration c. Word of mouth d. Public education e. Clients contact the bar association	a. No b. Yes 1. Newspaper 2. Fliers posted in public venues such as libraries or schools 3. Fliers in courthouses or self-help law centers 4. Other (explain) c. Indirect publicity 1. State offers CLE to educate lawyers about fee arbitration. 2. State uses general circulation publications to lawyers to promote 3. State uses direct mail or other means to court personnel to promote	a. No b. Yes (non-lawyer arbitrators only) c. Yes (on panels with lawyer-arbitrators only) d. Yes (although lawyer and non-lawyer arbitrators are used, panel may consist of only non-lawyer arbitrators without a lawyer arbitrator)	a. No (standards-time frame left to arbitration panel) b. No (standards-time frame left to administrator) c. Yes (standards provide for award within 3 months of claim) d. Yes (standards provide for award within 6 months of claim) e. Yes (standards provide for award for award up to one year)
IN	-	-	-	-
IA				
KS	(c), (e)	No C(2)	No	(a) No
KY	(c),(e)	Yes B(4) - Information and forms on website	(c) Yes	(a) No
LA	(b), (e)	Yes B(4) – Disciplinary counsel serves pamphlets shout programs to new complaints, bar journal advertisement C(2)	(c) Yes	(c) Yes
ME	(a)	No C(1)	(c) Yes	(c) Yes
MD				
MA	(b), (c), (e)	Yes B(1)(2)(3)	(c) Yes	(b) No
MI	(e)	No	No	(b) No
MN	(b), (c), (e)	No	(c) Yes	(a) No
MS	(e)	No	No	(a) No
MO	(e)	Yes B(2)(3) and C(1)(2)	(c) Yes	(c) Yes

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Source: ABA Center for Professional Responsibility

JURISDICTION	(10) In your state, how do most clients learn about the fee arbitration?	(11) Does your state publicize the fee arbitration program?	12. Does your state use non-lawyer arbitrators?	13. Does your state have standards encouraging the prompt resolution of fee disputes?
	a. Lawyer is required to provide written notice of fee arbitration to client b. Lawyer informally advises client of fee arbitration c. Word of mouth d. Public education e. Clients contact the bar association	a. No b. Yes 1. Newspaper 2. Fliers posted in public venues such as libraries or schools 3. Fliers in courthouses or self-help law centers 4. Other (explain) c. Indirect publicity 1. State offers CLE to educate lawyers about fee arbitration. 2. State uses general circulation publications to lawyers to promote 3. State uses direct mail or other means to court personnel to promote	a. No b. Yes (non-lawyer arbitrators only) c. Yes (on panels with lawyer-arbitrators only) d. Yes (although lawyer and non-lawyer arbitrators are used, panel may consist of only non-lawyer arbitrators without a lawyer arbitrator)	a. No (standards-time frame left to arbitration panel) b. No (standards-time frame left to administrator) c. Yes (standards provide for award within 3 months of claim) d. Yes (standards provide for award within 6 months of claim) e. Yes (standards provide for award for award up to one year)
MT				
NE	(b), (c), (d), (e)	Yes B(4) –website of NSBA & Monthly Publication of NSBA; C(2)	(c) Yes	(a) No
NV	(b), (c), (d), (e)	Yes B(4) publicized on state bar website and fliers available in state bar lobby C(1)(2)	(c) Yes	(d) Yes
NH	(e)	C(1)(2)	No	(c) Yes
NJ	(a)	Yes B(4) Information on judiciary website and when Annual Report is published a news release to the media	(c) Yes	(c) Yes
NM	(e)	Yes B(2)(3) and C(2)(3)	No	(a) No
NY	(a), (e)	Yes B(3) and C(2)	(c) Yes	(Yes) standards provide award shall be issued no later than 30 days after the date of the hearing
NC	(a)	Yes B(3)	No	(b) No
ND	(b), (c), (e)	No	(d) Yes	(b) No
OH				
OK				

CHART 3
2008 ABA Fee Arbitration Survey
Source: ABA Center for Professional Responsibility

JURISDICTION	(10) In your state, how do most clients learn about the fee arbitration?	(11) Does your state publicize the fee arbitration program?	12. Does your state use non-lawyer arbitrators?	13. Does your state have standards encouraging the prompt resolution of fee disputes?
	a. Lawyer is required to provide written notice of fee arbitration to client b. Lawyer informally advises client of fee arbitration c. Word of mouth d. Public education e. Clients contact the bar association	a. No b. Yes 1. Newspaper 2. Fliers posted in public venues such as libraries or schools 3. Fliers in courthouses or self-help law centers 4. Other (explain) c. Indirect publicity 1. State offers CLE to educate lawyers about fee arbitration. 2. State uses general circulation publications to lawyers to promote 3. State uses direct mail or other means to court personnel to promote	a. No b. Yes (non-lawyer arbitrators only) c. Yes (on panels with lawyer-arbitrators only) d. Yes (although lawyer and non-lawyer arbitrators are used, panel may consist of only non-lawyer arbitrators without a lawyer arbitrator)	a. No (standards-time frame left to arbitration panel) b. No (standards-time frame left to administrator) c. Yes (standards provide for award within 3 months of claim) d. Yes (standards provide for award within 6 months of claim) e. Yes (standards provide for award for award up to one year)
OR	-	Yes C(1)(2)	(c) Yes	(e) Yes
PA				
County of Beaver PA Bar Association	(e)	No	No	(a) No
Berks County Bar Association	(e)	No C(1)	No	(b) No
Wayne County PA Bar Association	(c)	No	(a) No	(b) No
RI	(e) (and discipline counsel)	Yes B(2)(3) C(2)	No	(a) No
SC	(c), (e)	No	No	(d) Yes
SD	-	-	-	-
TN	-	-	-	-
TX				
Dallas Bar Association Fee Dispute Committee	(b), (e)			(a) No
UT	(b), (c), (e)	C(1)	(c) Yes	(a) No

CHART 3
2008 ABA Fee Arbitration Survey
Source: ABA Center for Professional Responsibility

JURISDICTION	(10) In your state, how do most clients learn about the fee arbitration?	(11) Does your state publicize the fee arbitration program?	12. Does your state use non-lawyer arbitrators?	13. Does your state have standards encouraging the prompt resolution of fee disputes?
	a. Lawyer is required to provide written notice of fee arbitration to client b. Lawyer informally advises client of fee arbitration c. Word of mouth d. Public education e. Clients contact the bar association	a. No b. Yes 1. Newspaper 2. Fliers posted in public venues such as libraries or schools 3. Fliers in courthouses or self-help law centers 4. Other (explain) c. Indirect publicity 1. State offers CLE to educate lawyers about fee arbitration. 2. State uses general circulation publications to lawyers to promote 3. State uses direct mail or other means to court personnel to promote	a. No b. Yes (non-lawyer arbitrators only) c. Yes (on panels with lawyer-arbitrators only) d. Yes (although lawyer and non-lawyer arbitrators are used, panel may consist of only non-lawyer arbitrators without a lawyer arbitrator)	a. No (standards-time frame left to arbitration panel) b. No (standards-time frame left to administrator) c. Yes (standards provide for award within 3 months of claim) d. Yes (standards provide for award within 6 months of claim) e. Yes (standards provide for award for award up to one year)
				(4year statute of limitation)
VT	(b), (e)	No	No	(a) No
VA	(b), (c), (d), (e)	Yes	(c) Yes	(a) No
WA	(b), (e)	Yes B(3)(4) –WSBA Bar News publication (monthly), local bars C(1)(2)	(c) Yes	(c) Yes (d) Yes
WV	(e)	No	No	(c) Yes
WI	(b), (c), (d), (e)	Yes B(1)(3)	(c) Yes	(a) No
WY	(c), (e)	No	No	(c) Yes
TOTALS	A. – 6 B. – 15 C. – 17 D. – 5 E. – 35	A. No – 18 B. Yes – 20 C. Indirect Publicity – 21	A. No – 15 B. Yes – 0 C. Yes – 20 D. Yes – 3	A. No – 16 B. No – 10 C. Yes – 11 D. Yes – 4 E. Yes – 2

* Response totals for California are only for the State Bar of California

CHART 4
2008 ABA Fee Arbitration Survey
Source: ABA Center for Professional Responsibility

JURISDICTION	14. Please check the box that applies to your state fee arbitration program? a. Free (no charge for fee arbitration) b. Nominal flat fee of \$_____ c. Fee based on percentage: ____% based upon amount in dispute: minimum fee of \$_____. Maximum fee of \$_____. d. Other: Sliding scale depending on income with minimum fee of \$_____ and maximum fee of \$_____.	15 (A) If your state charges a fee, who pays the fee? a. Petitioner (usually client) pays but award may reallocate filing fee: b. Petitioner (usually client) pays but no reallocation permitted c. Parties split the filing fee d. Lawyer always pays the filing fee e. Other (please explain)	15(B). If your state charges a filing fee, may parties request a fee waiver a. Yes b. No c. Maybe (depends on the program)
AL	(a) Free	-	-
AK			
AZ	(a) Free	-	-
AR	-	-	-
*CA			
State Bar of California Mandatory Fee Arbitration Program	(c) Percentage: 5%, Min. Fee: \$50, Max. Fee: \$3500 and (d) Each local bar program sets its own fees – varies.	(a)	Yes - state bar (c) Some local bar programs have fee waivers: others do not.
Los Angeles County Bar Association	(c) Percentage: \$50 + 5% (0-\$9999) 6% (\$10,000-\$19,999) 7% (\$20,000 and up); Max \$5,000	(a)	Yes
Palo Alto County Bar Association	(b) \$50, (c) \$250	(a)	Yes
Solano County Bar Association	(c) Percentage: 5%, Min. Fee: \$50, Max. Fee: \$500	(a)	Yes
San Diego County Bar Association	(c) Percentage: 5%, Min. Fee: \$75, Max. Fee: %5000	(a)	Yes
San Mateo County Bar Association	(a) Free; (c) Min. Fee \$50 and Max. Fee\$250	(a)	Yes
Ventura County Bar Association	(c) Min. Fee 200; Max. Fee\$1600	(a)	Yes
CO	(a) Free	-	-
CT	(a) Free	-	-
DE	(a) Free	-	-
DC	(d) Other – Min. fee of \$25 and Max. fee of \$1000	(e) Other – Petitioner pays filing fee based on amount sought. Respondent pays filing fee for any counterclaim filed. Award may specify	Yes

CHART 4
2008 ABA Fee Arbitration Survey
Source: ABA Center for Professional Responsibility

JURISDICTION	14. Please check the box that applies to your state fee arbitration program? a. Free (no charge for fee arbitration) b. Nominal flat fee of \$_____ c. Fee based on percentage: ____% based upon amount in dispute: minimum fee of \$_____. Maximum fee of \$_____. d. Other: Sliding scale depending on income with minimum fee of \$_____ and maximum fee of \$_____.	15 (A) If your state charges a fee, who pays the fee? a. Petitioner (usually client) pays but award may reallocate filing fee: b. Petitioner (usually client) pays but no reallocation permitted c. Parties split the filing fee d. Lawyer always pays the filing fee e. Other (please explain)	15(B). If your state charges a filing fee, may parties request a fee waiver a. Yes b. No c. Maybe (depends on the program)
		whether the filing fee will be reimbursed by the opposing party.	
FL			
GA	(a) Free	N/A	N/A
HI	-	(d) \$100 for mediation \$150 for binding arb	-
ID	(a) Free	-	-
IL	-	-	-
IN	-	-	-
IA			
KS	(a) Free	-	-
KY	(a) Free	-	-
LA	(b) \$50 - \$100	(c)	No
ME	(a) Free	N/A	N/A
MD			
MA	(d) Other – Min. fee of \$50 and Max. fee of \$225	-	Yes
MI	(a) Free	-	-
MN	(a) Free	-	-
MS	(a) Free	-	-
MO	(a) Free	-	-
MT			
NE	(b) \$10	(b)	No
NV	(a) Free	N/A	N/A
NH	(a) Free	-	-
NJ	(b) \$50	(e) Both the client and	Yes

CHART 4
2008 ABA Fee Arbitration Survey
 Source: ABA Center for Professional Responsibility

JURISDICTION	14. Please check the box that applies to your state fee arbitration program?	15 (A) If your state charges a fee, who pays the fee?	15(B). If your state charges a filing fee, may parties request a fee waiver
	a. Free (no charge for fee arbitration) b. Nominal flat fee of \$_____ c. Fee based on percentage: ____% based upon amount in dispute: minimum fee of \$_____. Maximum fee of \$_____. d. Other: Sliding scale depending on income with minimum fee of \$_____ and maximum fee of \$_____.	a. Petitioner (usually client) pays but award may reallocate filing fee: b. Petitioner (usually client) pays but no reallocation permitted c. Parties split the filing fee d. Lawyer always pays the filing fee e. Other (please explain)	a. Yes b. No c. Maybe (depends on the program)
		attorney pay a \$50 filing fee	
NM	(a) Free	N/A	N/A
NY	(d) – Fees vary by program. If program is handled through an administrative judge's office, there is no fee charged. If program is handled through a local bar association, fees may be calculated on a sliding scale depending on the amount in dispute. Or fees may be higher where a panel is required (panels are required by the standards & guidelines if \$6,000 or more is in dispute)	(c)	(c)
NC	(a) Free	-	-
ND	(a) Free	-	-
OH			
OK			
OR	-	(b)	Yes
PA			
County of Beaver PA Bar Association	(a) Free	-	-
Berks County Bar Association	(a) Free	-	-
Wayne County PA Bar Association	(a) Free	-	-
RI	(a) Free	-	-
SC	(a) Free	N/A	-
SD	-	-	-
TN	-	-	-
TX			
Dallas Bar	(a) Free	-	-

CHART 4
2008 ABA Fee Arbitration Survey
Source: ABA Center for Professional Responsibility

JURISDICTION	14. Please check the box that applies to your state fee arbitration program? a. Free (no charge for fee arbitration) b. Nominal flat fee of \$ _____ c. Fee based on percentage: ____% based upon amount in dispute: minimum fee of \$ _____. Maximum fee of \$ _____. d. Other: Sliding scale depending on income with minimum fee of \$ _____ and maximum fee of \$ _____.	15 (A) If your state charges a fee, who pays the fee? a. Petitioner (usually client) pays but award may reallocate filing fee: b. Petitioner (usually client) pays but no reallocation permitted c. Parties split the filing fee d. Lawyer always pays the filing fee e. Other (please explain)	15(B). If your state charges a filing fee, may parties request a fee waiver a. Yes b. No c. Maybe (depends on the program)
Association Fee Dispute Committee			
UT	(b) \$10	(b)	Yes (In the case of extreme hardship [Committee discretion])
VT	(a) Free	N/A	N/A
VA	(b) \$20	(a)	No
WA	(b) \$75 or \$125 (depending on amount in dispute)	(b), (d)	No
WV	-	-	-
WI	(d) Other – Min. Fee \$25/party and Max. Fee \$100/party	(c)	No
WY	(b) \$25	(b)	No
TOTALS	A. – 26 B. – 6 C. – 1 D. – 5	A. – 2 B. – 5 C. – 3 D. – 1 E. – 2	A. Yes – 6 B. No – 6 C. Maybe – 2

* Response totals for California are only for the State Bar of California

CHART 5
2008 ABA Fee Arbitration Survey
Source: ABA Center for Professional Responsibility

JURISDICTION	16. Does your state offer fee mediation? a. Yes (mediation is voluntary) b. Yes (mediation is required for lawyer upon client's request) c. No (not offered) d. Depends (offered by some programs)	17. Is assistance available to clients from your state to help enforce unpaid awards? a. No b. Yes	18. If your answer is yes, check the box that applies: a. State will assist client's enforcement in court b. State has authority to enroll attorney involuntarily on inactive status until award is paid c. State will assign volunteers to assist client in court d. Other (explain)	19. Does your state provide for confidentiality or arbitration proceedings? a. No b. Yes (everything is confidential) c. Yes (only award is public document) d. Other (explain)
AL	(a) Yes	No	-	(b) Yes
AK				
AZ	No	Yes	-	(c) Yes
AR	-	-	-	-
*CA				
State Bar of California Mandatory Fee Arbitration Program	(a) Yes, (c) No and (d) depends	Yes	(b)	(c) Yes
Los Angeles County Bar Association	(a) Yes	Yes	(b)	(c) Yes
Palo Alto County Bar Association	(a) Yes	No	-	-
Solano County Bar Association	No	Yes	(b)	(b) Yes
San Diego County Bar Association	(a) Yes and (d) depends	Yes	(b)	(c) Yes
San Mateo County Bar Association	(d) depends	Yes	(d) – Attorney on other side will be given an opportunity to respond to the request and agree to a payment plan.	(c) Yes
Ventura County Bar Association	(a) Yes	No	-	(b) Yes
CO	(a) Yes	No	-	(b) Yes
CT	(a) Yes	No	-	No (however, we treat it confidential)
DE	No	No	-	(b) Yes
DC	(a) Yes	No	-	(c) Yes

CHART 5
2008 ABA Fee Arbitration Survey
Source: ABA Center for Professional Responsibility

JURISDICTION	16. Does your state offer fee mediation? a. Yes (mediation is voluntary) b. Yes (mediation is required for lawyer upon client's request) c. No (not offered) d. Depends (offered by some programs)	17. Is assistance available to clients from your state to help enforce unpaid awards? a. No b. Yes	18. If your answer is yes, check the box that applies: a. State will assist client's enforcement in court b. State has authority to enroll attorney involuntarily on inactive status until award is paid c. State will assign volunteers to assist client in court d. Other (explain)	19. Does your state provide for confidentiality or arbitration proceedings? a. No b. Yes (everything is confidential) c. Yes (only award is public document) d. Other (explain)
FL				
GA	No	Yes	(c)	(c) Yes
HI	(a) Yes	No	-	(b) Yes
ID	(a) Yes	No	-	(c) Yes
IL	-	-	-	-
IN	-	-	-	-
IA				
KS	(a) Yes	No	(d) – No enforcement	(d) Mediation is confidential
KY	(a) Yes	Yes	(d) – The award is enforceable as a judgment. This information is on the website and in materials provided.	(c) Yes
LA	No	No	-	(c) Yes
ME	No	Yes	(a)	(c) Yes
MD				
MA	No	No	-	(c) Yes
MI	No	Yes	(a)	(b) Yes
MN	(a) Yes	No	-	-
MS	(a) Yes	No	-	No
MO	(a) Yes	No	-	(b) Yes
MT				
NE	(a) Yes	No	-	-
NV	(a) Yes	Yes	(c)	(c) Yes
NH	(a) Yes	-	(d) – Can request the assistance of the professional conduct committee	(d) – Parties can request confidentiality
NJ	-	Yes	(d) – If after notice is given to attorney,	(b) Yes

CHART 5
2008 ABA Fee Arbitration Survey
Source: ABA Center for Professional Responsibility

JURISDICTION	16. Does your state offer fee mediation? a. Yes (mediation is voluntary) b. Yes (mediation is required for lawyer upon client's request) c. No (not offered) d. Depends (offered by some programs)	17. Is assistance available to clients from your state to help enforce unpaid awards? a. No b. Yes	18. If your answer is yes, check the box that applies: a. State will assist client's enforcement in court b. State has authority to enroll attorney involuntarily on inactive status until award is paid c. State will assign volunteers to assist client in court d. Other (explain)	19. Does your state provide for confidentiality or arbitration proceedings? a. No b. Yes (everything is confidential) c. Yes (only award is public document) d. Other (explain)
			refund is still not paid, we will file motion for temporary suspension. Attorney will not be recertified until they comply with award.	
NM	No	No	-	(b) Yes
NY	(a) Yes	Yes	-	(b) Yes
NC	(b) Yes	No	-	(b) Yes
ND	No	No	-	-
OH				
OK				
OR	No	No	-	(b) Yes
PA				
County of Beaver PA Bar Association	No	No	-	(b) Yes
Berks County Bar Association	(a) Yes	-	-	(b) Yes
Wayne County PA Bar Association	No	No	-	No
RI	No	No	-	(b) Yes
SC	No	Yes	(d) –Issue a certificate if non-compliance - given to pre-voting party to file as a judgment	(b) Yes
SD	-	-	-	-
TN	-	-	-	-
TX				

CHART 5
2008 ABA Fee Arbitration Survey
Source: ABA Center for Professional Responsibility

JURISDICTION	16. Does your state offer fee mediation? a. Yes (mediation is voluntary) b. Yes (mediation is required for lawyer upon client's request) c. No (not offered) d. Depends (offered by some programs)	17. Is assistance available to clients from your state to help enforce unpaid awards? a. No b. Yes	18. If your answer is yes, check the box that applies: a. State will assist client's enforcement in court b. State has authority to enroll attorney involuntarily on inactive status until award is paid c. State will assign volunteers to assist client in court d. Other (explain)	19. Does your state provide for confidentiality or arbitration proceedings? a. No b. Yes (everything is confidential) c. Yes (only award is public document) d. Other (explain)
Dallas Bar Association Fee Dispute Committee	(a) Yes	No	-	(b) Yes
UT	(a) Yes	No	-	(b) Yes
VT	No	No	N/A	No
VA	(a) Yes	No	-	No
WA	(a) Yes	No	-	(b) Yes
WV	-	No	-	(d) – Information is public unless a request is made from client or lawyer regarding confidentiality.
WI	No	No	-	(b) Yes
WY	No	No	-	(b) Yes
TOTALS	A. Yes – 21 B. Yes – 1 C. No – 18 D. Depends – 1	A. No – 29 B. Yes – 10	A. – 2 B. – 1 C. – 2 D. – 5	A. No – 5 B. Yes – 20 C. Yes – 10 D. Other – 3

* Response totals for California are only for the State Bar of California

CHART 6
2008 ABA Fee Arbitration Survey
Source: ABA Center for Professional Responsibility

JURISDICTION	20. Are clients permitted to bring a non-lawyer (“helper” or “support person”) to assist them in the fee arbitration?	21. Does your state bar association provide information about post-arbitration rights?
	a. Yes b. No c. Depends on the program	a. No b. Yes (limited to individual telephone inquiry) c. No (information is available through court) d. Yes (written explanation is served with the award) e. Yes (posted on the website) f. Yes (written information provided upon request)
AL	-	(a) No
AK		
AZ	No	-
AR	-	-
*CA		
State Bar of California Mandatory Fee Arbitration Program	Yes	(d) Yes (must be included with award or service is deemed defective) (f) Yes
Los Angeles County Bar Association	Yes	(d) Yes
Palo Alto County Bar Association	Yes	(d) Yes
Solano County Bar Association	Yes	(d) Yes
San Diego County Bar Association	Yes	(d) Yes
San Mateo County Bar Association	Yes	(c) No
Ventura County Bar Association	Yes	(d) Yes
CO	Yes	(b) Yes
CT	Yes	(a) No
DE	Yes	(a) No
DC	Yes	(f) Yes

CHART 6
2008 ABA Fee Arbitration Survey
Source: ABA Center for Professional Responsibility

JURISDICTION	20. Are clients permitted to bring a non-lawyer (“helper” or “support person”) to assist them in the fee arbitration?	21. Does your state bar association provide information about post-arbitration rights?
	a. Yes b. No c. Depends on the program	a. No b. Yes (limited to individual telephone inquiry) c. No (information is available through court) d. Yes (written explanation is served with the award) e. Yes (posted on the website) f. Yes (written information provided upon request)
FL		
GA	Yes	(d) Yes
HI	Depends	(a) No
ID	Depends (panel discretion)	(e) Yes
IL	-	-
IN	-	-
IA		
KS	Depends (left to the discretion of panel)	(a) No
KY	Yes	(b) Yes (e) Yes
LA	Depends (on arbitrators)	(a) No
ME	Yes	(a) No
MD		
MA	Yes	(b) Yes (d) Yes (f) Yes
MI	No	(b) Yes
MN	-	(a) No
MS	Yes	(a) No
MO	Yes	(b) Yes
MT		
NE	Yes	(e) Yes (f) Yes

CHART 6
2008 ABA Fee Arbitration Survey
Source: ABA Center for Professional Responsibility

JURISDICTION	20. Are clients permitted to bring a non-lawyer (“helper” or “support person”) to assist them in the fee arbitration?	21. Does your state bar association provide information about post-arbitration rights?
	a. Yes b. No c. Depends on the program	a. No b. Yes (limited to individual telephone inquiry) c. No (information is available through court) d. Yes (written explanation is served with the award) e. Yes (posted on the website) f. Yes (written information provided upon request)
NV	No	(b) Yes
NH	No	(d) Yes
NJ	Yes	(d) Yes
NM	Yes	(c) No
NY	Yes	(c) No
NC	Yes	
ND	Yes	(d) Yes
OH		
OK		
OR	No	(d) Yes (e) Yes
PA		
County of Beaver PA Bar Association	Yes	(a) No
Berks County Bar Association	-	-
Wayne County PA Bar Association	Yes	(f) Yes
RI	Yes	(a) No
SC	Yes	(e) Yes
SD	-	-
TN	-	-
TX		(a) No
Dallas Bar	Yes	(a) No

CHART 6
2008 ABA Fee Arbitration Survey
 Source: ABA Center for Professional Responsibility

JURISDICTION	20. Are clients permitted to bring a non-lawyer (“helper” or “support person”) to assist them in the fee arbitration?	21. Does your state bar association provide information about post-arbitration rights?
	a. Yes b. No c. Depends on the program	a. No b. Yes (limited to individual telephone inquiry) c. No (information is available through court) d. Yes (written explanation is served with the award) e. Yes (posted on the website) f. Yes (written information provided upon request)
Association Fee Dispute Committee		
UT	No	(d) Yes (e) Yes
VT	Yes	(b) Yes
VA	Yes	(a) No
WA	No	(d) Yes
WV	Yes	(a) No
WI	Yes	(a) No
WY	No	(d) Yes
TOTALS	A. Yes – 26 B. No – 8 C. Depends – 4	A. No – 16 B. Yes – 7 C. No – 2 D. Yes – 10 E. Yes – 6 F. Yes – 5

* Response totals for California are only for the State Bar of California