

## Informational Brochure

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# Fee Dispute Arbitration

### What is fee dispute arbitration?

The Board of Governors of the State Bar of Nevada has appointed a Fee Dispute Arbitration Committee to assist clients and their attorneys in settling fee disputes.

The committee has authority to decide any disagreement between a client and attorney concerning the fee paid, charged or claimed for legal services provided by an attorney licensed to practice in Nevada, or licensed in another state and practicing in this state under Supreme Court Rule 42, where there is an expressed or implied contract establishing an attorney-client relationship.

The committee does not have jurisdiction in the following matters:

- Disputes over which a court has fixed the fee.
- Disputes over which the court has already decided the fees.
- Claims against the attorney for damages or based upon alleged malpractice or professional misconduct.
- Disputes for less than \$250 and more than \$50,000.

### Who should file a fee dispute?

It is best if an attorney and client can come to an agreement by taking time to communicate. Often, a meeting between the attorney and client – during which concerns are openly discussed – can resolve the problem. However, if all efforts at agreement have failed, any attorney or client may wish to take advantage of this service.

### How do I file a fee dispute?

You may file a fee dispute by downloading and completing a “Petitioner’s Agreement for Arbitration of Fee Dispute” form from our website at [www.nvbar.org/lawyerreferral/dispute-resolution/feedispute](http://www.nvbar.org/lawyerreferral/dispute-resolution/feedispute)

A copy will also be mailed to you on request. Return the form along with relevant documentation to support your claim to the Fee Dispute Department in the state bar’s Las Vegas office.

### What happens next?

Upon receipt of the completed Petitioner’s Agreement, the responding party (“Respondent”) is sent a copy and asked to reply. The Respondent may elect to sign a binding arbitration agreement or provide a written response (non-binding). In most instances, the matter will proceed to mediation. A mediator will attempt to resolve the fee dispute by communicating with both parties and finding a mutually acceptable resolution.

Over for more



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If mediation is unsuccessful, and both parties have agreed to binding arbitration, the Petitioner may ask that the matter be forwarded to an arbitrator. In this instance, the arbitrator (or arbitration panel, depending on the amount in dispute) will schedule and provide notice of a hearing and the arbitrator will decide if fees are owed. If the parties have not agreed to binding arbitration, the matter will be closed after the mediation has concluded.

### What happens if the attorney refuses to abide by the terms of the binding arbitration decision?

If the client prevails, a committee member may, at the discretion of the regional chair, be appointed to represent the client in court to enforce the decision. The client is responsible for any court costs associated with a complaint being filed.

### What happens if the attorney has filed suit against me already?

If a complaint and/or motion to determine the fee has already been filed with a court of competent jurisdiction, the Fee Dispute Committee cannot open a claim. The court may determine, at its discretion, that the committee take jurisdiction over the matter.

### Is there a charge for the fee dispute arbitration service?

No. The Fee Dispute Committee arbitrators and mediators volunteer their time to resolve fee dispute issues and there is no charge to either party to use the program.

### Where do I go for more information?

Information about the Fee Dispute Committee, including forms, Rules of Procedure and FAQs can be found at [www.nvbar.org/lawyerreferral/dispute-resolution/feedispute](http://www.nvbar.org/lawyerreferral/dispute-resolution/feedispute)

There is no fee to use the program. State bar staff can also respond to questions regarding procedure; however, they are unable to render legal advice or opinion on whether the claim has merit or not.

## CONTACT INFORMATION

### Las Vegas Office

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Las Vegas, NV 89104  
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### Reno Office

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