



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 subject to discipline in this state, 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;
- claims against the attorney for damages or based upon alleged malpractice or professional misconduct; or
- disputes for less than \$250.

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. A copy will also be mailed to you on request. Return the form 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 other party is sent a copy and asked to respond. Assuming that response is received (and it usually is), if both parties agree, a mediator may be appointed to attempt to resolve the dispute by agreement. Mediation is mandatory as a primary means of fee dispute resolution for claims of \$50,000 or less. If agreement cannot be reached, the dispute may proceed to arbitration. The complete file is mailed to the Regional Fee Dispute Chair to be assigned to an arbitrator or panel of arbitrators. A hearing is held with the parties involved. After the hearing, the arbitrator(s) will make a decision and send that decision to the regional chair for distribution to the parties. You will be notified at each step of the dispute process.

FEE DISPUTE ARBITRATION (continued from other side)

What happens if a party refuses to agree to arbitration?

If one of the parties to the dispute fails to sign the arbitration agreement, the other party may elect to proceed to arbitration absent a binding agreement. In that instance, the participation of the party who does not consent to binding arbitration may be limited to the arbitrator.

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

 If you file a fee dispute prior to the attorney commencing a court action against you, the Fee Dispute Committee has the authority to hear the dispute. In this instance, the Fee Dispute Committee and the court have concurrent jurisdiction. If you are asked to appear in court before your fee dispute has finished, you may advise the judge that you have submitted a fee dispute to the State Bar of Nevada and ask the judge to delay the matter until it has been arbitrated. However, if the judge does not grant your request and makes a decision, the Fee Dispute Committee cannot proceed with arbitration and your case will be dismissed. If you file a fee dispute after the attorney has commenced a court action against you, the Fee Dispute Committee does not have the authority to hear the dispute. If you file a fee dispute and the attorney produces evidence showing that a court action has already commenced, your case will be dismissed.

Who makes up an arbitration panel?

 If the dispute involves \$10,000 or less, one arbitrator is assigned. This arbitrator must be an attorney. Disputes above \$10,000 involve a three-member panel made up of attorneys and at least one non-attorney.

What can I expect from the State Bar of Nevada?

 You will not receive any individual legal advice on any subject except to be advised with respect to the handling of the fee dispute.

Where should you write or call to contact the Fee Dispute Department?

 The “**Petitioner’s Agreement for Arbitration of Fee Dispute**” form can be obtained from the Las Vegas offices of the state bar, or downloaded from www.nvbar.org. It is free. The completed agreement form and supporting documents must be returned to the Las Vegas Fee Dispute Department.

Written and/or Edited by:

Lisa McGrane, Fee Dispute Manager, State Bar of Nevada

Las Vegas Office

600 E. Charleston Blvd., Las Vegas, NV 89104
Ph: 702-382-2200 or toll-free 1-800-254-2797
Fax: 702-385-2878 or toll-free 1-888-660-6767

Reno Office

9456 Double R Blvd., Suite B, Reno, NV 89521
Ph: 775-329-4100 Fax: 775-329-0522

<http://www.nvbar.org>



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Contact: Christina Alberts
christinaa@nvbar.org*