

**RAMSEY COUNTY BAR ASSOCIATION
FEE ARBITRATION COMMITTEE**

**RULES AND PROCEDURES FOR
ARBITRATION OF ATTORNEY FEE DISPUTES**

1. Commencement of Proceeding - Filing of Petition. An Attorney Fee Arbitration is commenced with the filing of a Petition in the form attached hereto as Exhibit A. Filing shall be made with the Ramsey County Bar Association Fee Arbitration Committee (the "Committee"). The Committee may designate one or more persons to screen Petitions and to determine compliance with these rules and procedures.
2. Parties. In the Petition, the parties shall be designated as "Client" and "Attorney". A Petition may be filed by either the Client or the Attorney.
3. Binding Arbitration. If both the Client and the Attorney consent to arbitration, the resulting Arbitration Award shall be binding upon all parties.
4. Jurisdiction. The Ramsey County Bar Association Fee Arbitration Program is generally established for the resolution of attorney fee disputes involving members of the Ramsey County Bar Association and other attorneys maintaining a business address within Ramsey County. Nevertheless, the Committee shall have jurisdiction to hear and determine any attorney fee dispute in which all parties consent to these rules and procedures. In its discretion, the Committee may refer disputes involving non-member attorneys with a business address outside of Ramsey County to a similar fee dispute committee in the jurisdiction where the attorney maintains a business address.
5. Disputes not Subject to Arbitration. In its discretion, the Committee may decline to refer the matter to an arbitration panel in the following circumstances:
 - a. If the Committee determines that an ethical consideration is involved in the dispute, the Petition may be referred to the appropriate ethics committee, either before or after fee arbitration procedures take place.
 - b. If the Committee determines that the fees under dispute are subject to determination by a court or other government agency (such as probate fees, workers' compensation claim fees, etc.), the Petition may be refused and the petitioning party advised of other available procedures for resolution of the dispute.
 - c. If the Committee determines that the fees in dispute are set by statute or other rule of law, the Petition may be refused and the petitioning party advised of other available procedures for resolution of the dispute.

6. Submission to Arbitration. Upon receipt of a properly completed Petition, the Committee will notify the other party(ies) named in the Petition and request the completion and filing of a Response form attached hereto as Exhibit B.
 - a. If the other party(ies) consent to arbitration and the Response form is filed with the Committee within twenty (20) days, the dispute shall be considered submitted to arbitration.
 - b. If the Response form is not returned within twenty (20) days of receipt, the Committee will construe the non-response as a refusal to arbitrate. The Committee will notify both parties and close the file.
7. Panels. Upon receipt of a properly completed Response form, the Committee shall refer the dispute for hearing by a panel of designated members consisting of two non-attorneys and one attorney appointed from a roster established and maintained by the Committee. The Committee shall designate one person to be panel chairperson. After referral, the panel chairperson shall notify the Client and the Attorney of the identity of the panel. Within ten (10) days of such notice, any party may request the Committee to excuse one or more members of the panel, for good cause shown. If a panel member is excused, a replacement panel member shall be identified.
8. Hearings. The panel chairperson shall notify the parties of the date, time, and place for the arbitration hearing. At the time of the hearing, the panel shall meet with the parties who appear, take such testimony and other evidence as the panel shall deem appropriate and proper to constitute a full and complete hearing of the dispute, and to ask questions of the parties as necessary or appropriate.
9. Waivers. The parties may waive a hearing and submit the dispute for determination based upon the documentation submitted by each party. Upon such waiver, the Committee shall refer the matter to a designated panel (as described above), which shall determine the matter without further hearing and issue an Arbitration Award pursuant to the provisions of Paragraph 13 below.
10. Non-Appearance. If one of the parties does not appear for the hearing, the panel may consider the non-appearance as evidence, but the hearing shall occur as scheduled and an Arbitration Award shall be made on all evidence available to the panel, including any submissions made by the non-appearing party.
11. Continuances. Within seven (7) days after notification of a date, time, and place for hearing by the panel, if a party requests a continuance of the hearing date in writing and with good cause, and including five (5) alternative available dates and times for participating in the hearing, the panel Chairperson shall contact the other party(ies) and reschedule the hearing to a date, time, and place reasonably convenient for all parties and the panel members.

12. Informality of Proceeding and Representation by Counsel. The hearing procedures shall be informal and relaxed so that the parties have a full and fair opportunity to present their respective positions without the necessity of engaging legal counsel for representation at the hearing. Notwithstanding the foregoing, each party is entitled to be represented by counsel at the hearing.
13. Timing and Form of the Arbitration Award. The panel shall issue its written Arbitration Award within fourteen (14) days from the date that the matter is deemed by the panel to be submitted. If the panel is not unanimous in its decision, two of the three panel members may issue an Arbitration Award. The Arbitration Award shall consist exclusively of the panel's determination as to the appropriate fee, if any, for the services provided. The panel shall not make any other findings of fact or conclusions of law to support its decision. The panel's decision shall be filed with the Committee, which shall notify the parties of the panel's decision.
14. Confidentiality of Arbitration Award. The panel's decision shall be confidential unless both parties agree otherwise. The confidentiality of the decision shall not affect the Committee's right to disclose to the public general information regarding fee arbitrations conducted by the Committee, including statistics regarding the number of disputes resolved and the number of cases in which the disputed fees have been reduced. In no event shall the Committee, without prior written consent of all parties, disclose the names of any of the parties involved in any fee arbitration.