

COMMITTEE ON THE RESOLUTION OF FEE DISPUTES
WAIVER AND ACKNOWLEDGEMENT

The Complainant and the Respondent, whose signatures appear below, agree that all proceedings conducted during the fee dispute resolution process through the Bar Association of Montgomery County, Maryland and at any extension of such concurrence(s), including any statement made or “document” prepared by the Complainant, the Respondent, his/her attorney, the Assigned Investigator, the mediator, the arbitrator, or any other participant, are confidential and shall not be disclosed in any subsequent proceeding or document, or construed for any purpose as an admission against interest, unless it is otherwise admissible or discoverable independent of the fee dispute resolution process. As used herein, the term “document” shall not be deemed to apply to any settlement agreement that may result from the fee dispute resolution process, as well as, any agreement to arbitrate or the written arbitration award. The Complainant and the Respondent agree not to subpoena the Assigned Investigator, mediator, arbitrator, or any “document” prepared for or in connection with the fee dispute resolution process. In no event will the Assigned Investigator, Chair, Co-Chair, mediator or arbitrator be called as a witness or be required to testify on behalf of either the Complainant and the Respondent or both parties.

No party shall be bound by anything said or done during the fee dispute resolution process unless and until: (A) a settlement is reached and one of the following occurs: (i) such settlement agreement is reduced to a writing and signed by all parties; (ii) the specific terms of the settlement agreement are entered into the record by an officer authorized by law to administer oaths (such as a court reporter) in the presence of and with the consent of both parties (or his/her authorized representative); or (iii) the specific terms of such settlement agreement are recorded by audio or video tape and each of the parties (or his/her authorized representative) audibly acknowledges on the audio or video tape that the terms of the settlement agreement are correct and that he/she consents to be bound by those terms; or (B) the parties agree to binding arbitration.

The Assigned Investigator, Chair, Co-chair, mediator and arbitrator are all volunteers of the Committee on the Resolution of Fee Disputes for the Bar Association of Montgomery County, Maryland. You acknowledge that this is a voluntary process and you are not required to participate. This is a free service.

Release/Disclaimer: You agree that you will not sue, file a complaint or take any other action against the Committee on the Resolution of Fee Disputes for the Bar Association of Montgomery County, Maryland, the Assigned Investigator, the Chair, the Co-Chair, the mediator, the arbitrator, the Bar Association of Montgomery County, Maryland, or any of its directors, officers, agents, employees and/or volunteers in connection with the fee dispute resolution process.

By signing below, you acknowledge that you have read, understood and agreed with the terms of this Waiver and Acknowledgement.

Complainant

Respondent

Date

Date