

INDIANA STATE BAR ASSOCIATION
8.26.16

**ATTORNEY FEE DISPUTE
RESOLUTION COMMITTEE**



WHAT IS AFDRC?

**WHAT
DOES
AFDRC**

"IT'S TIME TO REFILL THE TANK...PAY ME"



RESOLVING DISPUTES BETWEEN LAWYERS & CLIENTS

PURPOSE STATEMENT

- ▶ Resolve Fee Disputes Involving:
 - ▶ ISBA Attorney Members and their clients through binding arbitration
 - ▶ Attorneys who are fee sharing proportionally to the amount of work performed on a case
 - ▶ Out of state attorneys who are members of their state bar and Indiana residents
 - ▶ Prevent disputes from going to court

WHAT IS THE PROCESS

1. GRIEVANCE FORM IS FILED

and page from providing contact information and basic facts of the grievance

- ▶ May be filed by client OR attorney
- ▶ Available on ISBA Webpage for download
- ▶ Let's digress...

INDIANA STATE BAR ASSOCIATION
 FEE DISPUTE RESOLUTION PROGRAM
 REQUEST FOR FEE DISPUTE RESOLUTION

Requester's name
 1. My name, address and telephone number is:

Last name First Name Middle Initial
 Street Address
 City State Zip Phone Number

2. The attorney's name and address is:

Last name First Name Middle Initial
 Street Address
 City State Zip Phone Number

3. Please list the attorney fee agreement number you used.
 Agency (for contract agreements)

4. Include the number of times that you met with the attorney and the number of times that you spoke with another representative.

5. Have the names of the dates that the attorney handled for you.

Initials &



QUESTION

HOW MANY DISPUTES DOES THE AFDRC CURRENTLY HANDLE EACH MONTH?

Theoretical Question by Engaged Audience

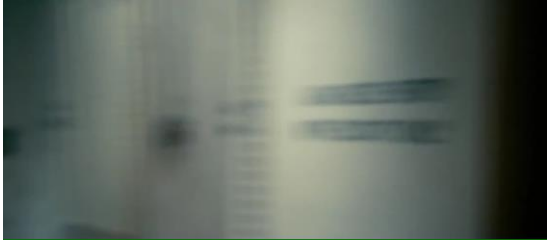
QUESTION

WHAT DO THE BULK OF THE FEE DISPUTES YOU RECEIVE AND REVIEW INVOLVE?

What A Great Question!

"I DECLARE BANKRUPTCY!"





FEE DISPUTE COMPLAINTS

NATURE OF GRIEVANCES

- ▶ The majority of fee disputes we receive involve legal consumers who feel fees were not justified.
 - ▶ Video Clip #1: Some instances, no work was performed on the case and there was a lack of communication.
 - ▶ Video Clip #2: Other instances, the lawyer allegedly drew out the representation over an unreasonable time span without communication except to request additional fees.

2. INITIATION OF PROCEEDINGS

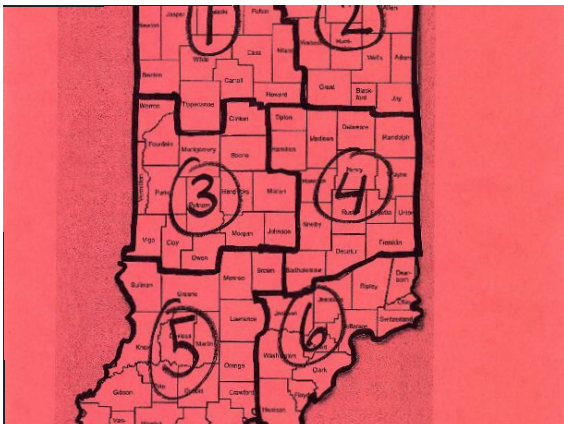
- ▶ Committee chair receives grievance form with supporting documentation
- ▶ Review of grievance for compliance
 - ▶ Discretion for disputes in amounts less than \$750
 - ▶ Brought two (2) years from date last legal services were rendered
 - ▶ Relevant information in form
 - ▶ ISBA Member?

MORE ON INITIATION OF PROCEEDINGS...

- ▶ Committee chair forwards the grievance to the respondent within fifteen (15) days.
- ▶ Respondent has 7 business days to respond to the committee chair advising whether he/she agrees to participate.
- ▶ A failure to respond constitutes a rejection of arbitration and the matter is closed.

EVEN MORE ON THE INITIATION OF PROCEEDINGS

- ▶ Arbitration is by a panel.
 - ▶ Three (3) Attorneys
 - ▶ Selected by the AFDRP from six regions around the State.
 - ▶ Attorneys on panel shall practice in the same region where the attorney involved in the fee dispute maintains his/her primary office.



THE ARBITRATION

3. THE ARBITRATION

- ▶ Ideally, a quick process
 - ▶ Arbitration 30 days after panel appointed
- ▶ Skype, Telephonic, or in person
 - ▶ Accommodate distance and schedules
- ▶ Procedure is informal
- ▶ Result is binding. Requires majority vote of panel members.

Witness Fee of the Cause in equity matter or cause	\$25.00
When the fees are taxed	\$0.00
Divorce Cases	\$5.00
When the cause is over	\$5.00
When the cause is over and the cause is not taxed or taxable at the time of the trial	\$0.00
Suits to Quiet Title	\$0.00
When the cause is over and the cause is not taxed or taxable at the time of the trial	\$25.00
Partition Suits	\$0.00
When the cause is over and the cause is not taxed or taxable at the time of the trial	\$0.00
Notes and Mortgages	\$5.00
When the cause is over and the cause is not taxed or taxable at the time of the trial	\$0.00
Settlement of Estates	\$5.00
When the cause is over and the cause is not taxed or taxable at the time of the trial	\$0.00
Guardianships	\$5.00
When the cause is over and the cause is not taxed or taxable at the time of the trial	\$0.00
Guardian Ad Litem	\$0.00
When the cause is over and the cause is not taxed or taxable at the time of the trial	\$0.00
Examination of Abstracts	\$0.00
When the cause is over and the cause is not taxed or taxable at the time of the trial	\$0.00
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**THE
AFDRC
HELPS
RESOLVE
FEE
DISPUTES,
BUT WE**

CURRENT INITIATIVE

SAMPLE AVAILABLE FEE AGREEMENTS

- ▶ Committee is compiling sample fee agreements from firms willing to contribute.
- ▶ Fee agreements are reviewed, scrubbed, and will be available for download through the AFDRC website.
- ▶ Fee agreements for different cases: Evergreen, Contingency, Retainer, Flat Fee, etc...
- ▶ Have fee agreements to contribute? Send to rcate@ctglaw.com or mzoeller@inbar.org.



WE NEED YOU.

GROW THE COMMITTEE

WE NEED VOLUNTEERS

- ▶ Our committee is looking to grow.
- ▶ Maintain a diverse cross section of practice areas & firm sizes
- ▶ We are looking for new ideas, new initiatives practitioners would like to see our committee undertake.
- ▶ We need input from practitioners. Review rules. Provide us your feedback. Participate in a fee arbitration through our committee? Tell us about it.
