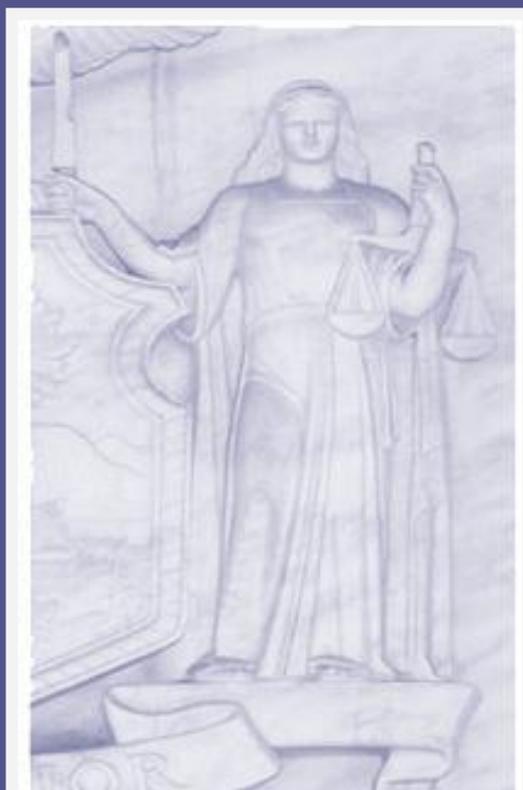


NEW YORK STATE ATTORNEY-CLIENT FEE DISPUTE RESOLUTION PROGRAM

ANNUAL REPORT TO THE ADMINISTRATIVE BOARD OF THE COURTS



2012

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Background

Two thousand twelve marks the Fee Dispute Resolution Program's tenth full year of operation. The Board of Governors for the Fee Dispute Resolution Program (FDRP) continues to ensure that attorneys and clients have access to cost-effective, high-quality methods of resolving fee disputes. The Board continues to monitor local programs across New York State, and supports their efficient operation by providing funding, training volunteer arbitrators, and responding to myriad legal and programmatic questions from staff of local programs as well as attorneys and clients.

Summary of Highlights

Below is a brief summary of the FDRP's main accomplishments during 2012. Each item will be discussed in greater detail:

- During 2012, local programs closed 1,105 cases, a slight decrease compared to the 1,179 cases closed in 2011.
- The Board created the Arbitrator's Information Sheet. The sheet is a quick reference guide for arbitrators to use during hearings and contains information on arbitration procedure.
- The Board developed a procedure for arbitrators to follow if a panel arbitrator does not appear for a hearing.
- The Board developed a best practice for administrators to follow when parties request sign or foreign language interpreters.
- The Board approved a sample curriculum, which provides an overview of Part 137 for attorneys, for use by Bar Associations and CLE providers.
- The Board distributed 32 Arbitrator Recognition Awards to administrators for presentation to their local recipients.
- The Board submitted a rule amendment request, which it later withdrew after public comment, to the Administrative Board of the Courts proposing to exclude from Part 137 disputes involving attorneys who have been disbarred, suspended or resigned from the practice of law, or who are under investigation.

Subcommittees

Subcommittees meet independently of the Board of Governors and operate with the assistance of co-counsel. Each subcommittee has an appointed chairperson who reports its suggestions and findings to the Chair. The subcommittees' work and recommendations are subject to review and approval by the full Board of Governors at plenary meetings. The Board is supported by co-counsel, Daniel M. Weitz, Esq., and Amy Sheridan, Esq. Co-counsel also act as liaisons between the Board and the local programs, public, and bar.

The subcommittees and their respective chairs are:

- **Program Approval** -Martha E. Gifford, Esq.
- **Legal Issues**- John H. Pennock, Esq.
- **Qualifications and Training for Neutrals**- Stephen W. Schlissel, Esq.
- **Outreach & Education**- Linda M. Campbell, Esq.
- **Review Subcommittee**- Martha E. Gifford, Esq.
- **Panel Threshold Subcommittee**- Paul M. Hassett, Esq.
- **The Arbitrator Service Award Subcommittee** is comprised of Simeon Baum, Elaine Cole, and Steve Schlissel.

PROGRAM APPROVAL SUBCOMMITTEE

Background

The Program Approval Subcommittee monitors approved local programs to ensure compliance with the Standards and Guidelines, as well as Part 137. In its beginning years, the subcommittee reviewed program proposals submitted by bar associations and Judicial District Administrative Judges' Offices to the Board of Governors. Now, the subcommittee reviews program requests for rule amendments, form amendments, and other local programmatic changes.

The Subcommittee presents proposals to the Board of Governors with recommendations for approval or other action. The guiding criterion for the Subcommittee and the full Board is whether the proposed program provides a fair and efficient process for the resolution of attorney-client fee disputes. A table of dates that local programs were approved can be found in Appendix B.

The Board of Governors is grateful to the members of the Program Approval Subcommittee, led by Martha E. Gifford, Esq., for all of their hard work.

LEGAL ISSUES SUBCOMMITTEE

Background

The Legal Issues Subcommittee researches legal questions as they arise and provides guidance to the Board of Governors, local programs and arbitrators. Complex or weighty issues that merit extended discussion are brought to the attention of the full Board of Governors for consideration. The Board of Governors regularly brings important policy issues to the attention of the Administrative Board of the Courts for guidance and direction, particularly where local programs request amendments to or deviations from Part 137 or other applicable statutes or rules. The Board also consults with the Office of Court Administration's Counsel's Office on various legal issues. For example, in 2012, the Board has asked for guidance from Counsel's Office on how to accommodate parties in need of sign-language interpreters and foreign-language interpreters.

In 2012, the Legal Issues Subcommittee responded to a variety of inquiries from local program administrators, such as:

- Whether Part 137 applies to a "licensed legal consultant" who maintains an office in New York State and who performed all work in her NY office for a matter involving property in France.
- Whether Part 137 applies to an attorney who is admitted to practice law in New York but who maintains his sole office in Maryland and performed all of the work in Maryland for a client in a matter before the Immigration Court.
- Whether work performed to obtain a "Certificate of Relief of Civil Disability" on a criminal case constitutes representation in a criminal matter.
- Whether representation of a client, who hires an attorney in anticipation of indictment, where indictment does not result, constitutes representation in a criminal matter and therefore is exempt from the program under 137.1(b).
- Whether an attorney's representation of a client to post bond on an immigration detainer stemming from an arrest, amounts to representation in a criminal matter.
- Whether an attorney who sends client notice of the right to arbitrate despite two years passing from the last date services were performed has implicitly consented to arbitration.

- Whether a dispute over disbursements from a personal injury matter is appropriate for the program.
- Defining the procedure when an arbitrator, who is part of a panel, fails to appear at the arbitration.
- Defining the procedure when it is not apparent from the filing papers whether a party has standing.
- Defining the procedure when a client files for fee arbitration while an action on the fee is already pending in court.

The Legal Issues Subcommittee, led by John H. Pennock, Esq., responds to inquiries on a frequent basis and the Board of Governors is grateful for all of their hard work.

QUALIFICATIONS AND TRAINING FOR NEUTRALS SUBCOMMITTEE

Background

Section 9 of the Standards and Guidelines prescribes minimum training requirements and addresses the qualifications and duties of Part 137 arbitrators. In developing these requirements, the Board sought to assure high-quality services and preserve local program flexibility without overburdening volunteer arbitrators. The training includes a 90-minute Part 137 orientation program for experienced arbitrators and a six-hour program for new arbitrators (inclusive of the orientation).

The Board of Governors has to date approved two mediation programs (Joint Committee of Fee Disputes and Conciliation and Brooklyn Bar Association), both of which follow generally accepted standards within the mediation field and utilize trained mediators whose credentials and qualifications have been approved under recognized court-annexed or community dispute resolution programs.

The Subcommittee provides logistical and other assistance to local programs in organizing the training sessions for arbitrators. Members of the Board of Governors frequently attend these training sessions and thank the participants for agreeing to serve as volunteers in the Fee Dispute Resolution Program.

Trainings and MCLE Programs

The following trainings and MCLE programs were held in 2012:

- On January 24, 2012, co-counsel presented the orientation portion of the new arbitrator training to non-attorney arbitrators for the Fourth Judicial District via video conference;
- June 12, 2012, co-counsel presented a full arbitration training at the Suffolk County Bar Association for both Nassau and Suffolk counties in the Tenth Judicial District;
- October 3, 2012, Michael Klein, Esq., District Executive for the Fifth Judicial District, and John McCullough, Executive Director of New Justice Conflict Resolution Services presented a full arbitration training in Onondaga for the Fifth Judicial District.
- On February 28, 2012, co-counsel, Amy Sheridan, joined board member, Martha Gifford, Esq., and the Chair of the Joint Committee on Fee Disputes and Conciliation, James Daniels, Esq. in New York City for an MCLE program on Part 137 offered by the New York Women's Bar Association.
- On February 15, 2012, co-counsel, Amy Sheridan, joined board member, Steven Schlissel, Esq. and local program administrator for the Tenth Judicial District-Nassau County, Mary Campbell, at the Nassau County Bar Association for an MCLE program on Part 137 offered by the New York Family Law American Inn of Court.

The Board of Governors is grateful to the members of the Qualifications and Training for Neutrals Subcommittee, led by Stephen W. Schlissel, Esq., for all of their hard work.

EDUCATION AND OUTREACH SUBCOMMITTEE

Background

This subcommittee's mandate is to educate the public about the FDRP.

Sample Part 137 Curriculum

In 2012, the Subcommittee developed a sample curriculum, which provides an overview of Part 137 for attorneys, for use by Bar Associations and CLE providers. The sample curriculum offers practical information on attorney's notice requirements, expectations of the process, local program rules, and relevant case law. The curriculum is intended to be incorporated into an already existing MCLE course in categories such as practice management and ethics.

The Board of Governors is grateful to the members of the Education and Outreach Subcommittee, led by Linda M. Campbell, Esq., for all of their hard work.

REVIEW SUBCOMMITTEE

Background

A Review Subcommittee was created to address any concerns that may be raised by Part 137 parties and the public about the program, staff, and arbitrators. The subcommittee recommends action to the Board and assists co-counsel with any inquiries received. The subcommittee offers vital support to the program in light of the Board's responsibility pursuant to the rule and standards, as well as the Attorney General Opinion (Formal Opinion 2004-F3) which provides for defense and indemnification for arbitrators.

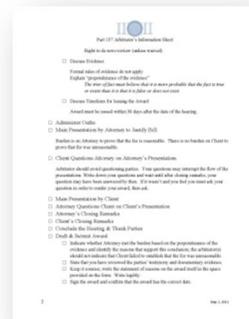
On a rolling basis, the Subcommittee also reviews resumes of new arbitrators who have taken a Part 137 arbitrator training and who wish to serve on local program rosters. This is part of an on-going process to monitor the Program and to ensure that neutrals continue to receive defense and indemnification pursuant to the Attorney General Opinion 2004-F3.

Arbitrator's Information Sheet

The Review Subcommittee developed the "Arbitrator's Information Sheet" as a quick reference for arbitrators on arbitration procedures.

The sheet lays out the sequence of a Part 137 arbitration hearing, and also offers practical tips to have hearings run smoothly.

Administrators have been encouraged to include the sheet in their correspondence with assigned arbitrators. The information on the sheet was developed from the Arbitrator Training Manual.



The Board of Governors is grateful to the members of the Review Subcommittee, led by Martha E. Gifford, Esq., for all of their hard work.

PANEL THRESHOLD SUBCOMMITTEE

Background

A "Panel Threshold" Subcommittee was created to explore raising the \$6,000 threshold for panel arbitrations in response to the ratio of one-member and three-member panels reaching parity and to the increase in the number of member panels. At annual meetings, program administrators reported that scheduling three-member panels is more labor intensive and thus leads to delays in scheduling arbitrations.

In 2010 the Panel Threshold Subcommittee discussed options to resolve the threshold issue, such as a pilot program to study the effects of raising the threshold. On April 1,

2011, the Administrative Board of the Courts issued an Administrative Order for the program to develop a pilot wherein four programs would institute a ten-thousand dollar threshold for panel arbitrations. These pilot programs, along with three programs selected to be in a “control” group, were also charged with distributing surveys to all arbitration parties and arbitrators during the pilot. The party surveys were created to gauge whether the use of the panel and the non-attorney arbitrator affected the parties’ perception of fairness. The arbitrator surveys were created to determine how the arbitrators perceived the use of the panel.

The Board selected the four pilot programs on the criteria that each represents an upstate program, a downstate program, a program run by a District Administrative Judge’s Office, a program run by a local bar association and each Judicial Department. The local programs selected were: The Joint Committee on Fee Disputes and Conciliation, housed at the New York County Lawyers’ Association, serving the 1st and 12th Judicial Districts (New York and Bronx Counties); the Third Judicial District Administrative Judge’s Office serving all counties in the 3rd Judicial District; the Bar Association of Erie County serving all counties within the 8th Judicial District; and the Tenth Judicial District Administrative Judge’s Office serving Nassau County.

The control group programs were selected to represent each of the Judicial Departments (excluding the First Department as the program serving the First Department had already been selected for the pilot) and was comprised of the Onondaga County Bar Association and the Fifth Judicial District Administrative Judge’s Office serving all counties within the Fifth Judicial District, the Ninth Judicial District Administrative Judge’s Office serving all counties within the Ninth Judicial District, and the Sixth Judicial District Administrative Judge’s Office serving all counties within the Sixth Judicial District.

In 2012, the Board continued to receive completed surveys and to input the data into a spreadsheet for analysis. One hundred eighteen surveys were received from arbitrators and one hundred surveys were received from parties. Data was submitted to the Division of Human Resources for analysis in early January 2013.

The Board of Governors is grateful to the members of the Panel Threshold Subcommittee, led by Paul M. Hassett, Esq., for all of their hard work

ARBITRATOR RECOGNITION AWARD SUBCOMMITTEE

Background

The Arbitrator Recognition Award Subcommittee is comprised of Simeon Baum, Elaine Cole, and Steve Schlissel. The subcommittee’s charge was to create a mechanism to honor

arbitrators who have demonstrated a commitment to the program through their great work and generous donation of time and skill. Local program administrators will nominate arbitrators based on their own judgment; however, some guiding criteria includes: willingness to take cases; availability on short-notice; ability to handle difficult issues; willingness to share their expertise with other program members; performing training or education for the program; willingness to help with administration of the program; attention to detail; responsiveness; reliability; and whether the arbitrator's peers have given positive feedback on the arbitrator.

Awards in 2012

Local programs requested award certificates for 32 arbitrators in 2012. One of these awards was presented posthumously to the family of Mr. Raymond de Silva, Jr., Esq. Mr. de Silva volunteered his time to arbitrate for the Onondaga County Bar Association which operates in partnership with Fifth Judicial District Administrative Judges' Office. The administrator for the bar association expressed that Mr. de Silva would be sorely missed.



Other recipients included:

Monroe County Bar Association, *Louis Kash, Esq.*; The Joint Committee on Fee Disputes and Conciliation, *Harold Rubin*; Fourth Judicial District Administrative Judge's Office, *Ronald Vero*; Eleventh Judicial District Administrative Judge's Office, *Diane Borko, Susan L. Borko, Esq., Joseph E. Brady, Esq., Joseph G. Canepa, Esq., Denis E. Carroll, Esq., Suzanne Chemtob, Lucille DiGirolomo, Esq., Michael Dikman, Esq., Cory E. Forman, Esq., Thomas S. Marsh, Joseph N. Misk, Esq., Vincent Nicolosi, Esq., Teresa Ombres, Esq., Harriet J. Peaceman, Fern Rogers, David H. Rosen, Esq., Edward Rosenthal, Esq., Peggy Russell, Hector L. Santiago, Esq., Eleanor Sheerin, Jonathan H. Shim, Esq., Theresa Silkie, Susan Silverman, Esq., Zenith T. Taylor, Esq., Elisabeth A. Vreeburg, Esq., and Michael S. Zen, Esq.*

The Board of Governors is grateful to the members of the Arbitrator Recognition Award Subcommittee for all of their hard work

Board Membership

There were no appointments made in 2012.

Rule Amendment Proposal

Exclusion of disputes involving attorneys who have been disbarred, suspended or resigned from the practice of law, or who are under investigation

The Board submitted a rule amendment request to the Administrative Board of the Courts proposing to exclude from Part 137 disputes involving attorneys who have been disbarred, suspended or resigned from the practice of law, or who are under investigation. The overall goal of the request was to establish a bright-line rule excluding these matters from Part 137 in order to prevent the potential for disparate treatment of similar cases around the state and the resulting possible harm to the program's reputation.

At the direction of the Honorable A. Gail Prudenti, Chief Administrative Judge of the Courts, the request was put out for public comment on March 27, 2012. The Board considered the comments following the May 14, 2012 closing date and found the majority response was opposed to the rule change.

In light of the commentary, in August 2012, the Board of Governors withdrew the proposal from the Administrative Board.

Caseload Activity

SUMMARY OF DATA COLLECTED FROM LOCAL PROGRAMS

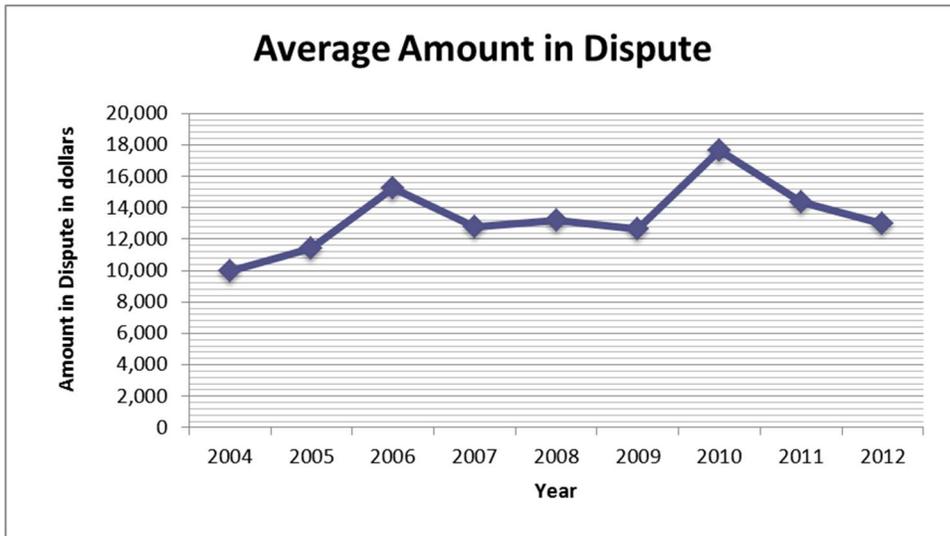
Since its inception in January 1, 2002, the Fee Dispute Resolution Program has closed **9,126** cases. During **2012**, local programs closed **1,105** cases, which is a **6%** decrease from the **1,179** cases closed in 2011.

Of the **1,105** cases closed in **2012**, **263** cases were either dismissed for lack of jurisdiction or withdrawn by the filing party. A total of **655** cases were arbitrated in 2012, of which arbitrators issued awards in **418** cases.

Parties agreed to settle or mediate their fee dispute in **181** cases: **158** settled prior to arbitration, **2** settled prior to mediation, **138** settled during arbitration, and **21** cases were mediated.

In 2012, single arbitrators arbitrated **338** cases, while panels of three arbitrators arbitrated **319** cases.

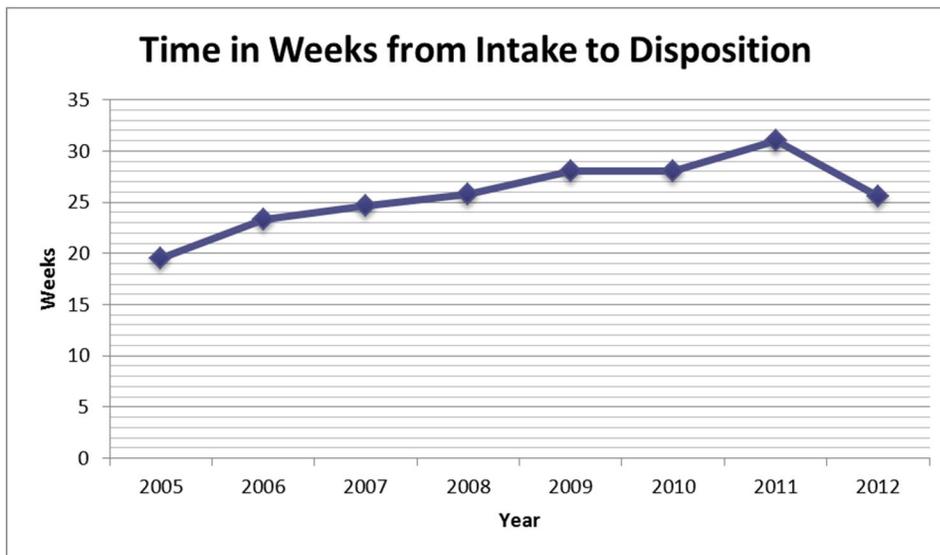
Statewide, in 2012, the average amount in dispute was **\$12,968**, which is a **9.5% decrease** in the average amount in dispute among 2011 cases (\$14,336). A table of caseload activity can be found in Appendix C.



TIME FROM INTAKE TO DISPOSITION

In 2012, it took an average of 24.6 weeks for programs to dispose of cases; this is about six weeks shorter than it took to dispose of cases 2011. The Board will be studying case data in 2013 to determine whether this decrease in time can be attributed to the Panel Threshold Pilot Program mentioned above.

The prior years show a gradual increase in the time it took to dispose of a case. In 2005, it took an average of 19.5 weeks. In 2006, it took an average of 23.3 weeks for cases to proceed from intake to disposition, while in 2007 it took an average of 24.7 weeks for cases to proceed from intake to disposition. In 2008 the average was 25.8 weeks and in 2009 and 2010 it took 28 weeks.



Funding

The Office of Court Administration continues to fund the following programs in order to help defray costs: the Bar Association of Erie County (BAEC); the New York County Lawyers Association (NYCLA), which administers the Joint Committee on Fee Disputes and Conciliation in Bronx and New York Counties; the Onondaga County Bar Association (OCBA); and the Monroe County Bar Association (MCBA). Beginning in 2007, all funding to bar associations occurs pursuant to the terms of negotiated multi-year contracts based on a fiscal year. The following is a breakdown of the funding that each program received during the fiscal year *April 1, 2012- March 31, 2013*: BAEC - \$8,917; NYCLA - \$78,021; OCBA - \$13,375; MCBA - \$17,109.

Prior to 2007, the Office of Court Administration funded programs through the less formal memoranda of understanding. This change reflects the evolution of the funding process from ad hoc, annual memoranda of understanding to a structured process of negotiated multi-year contracts. As a result of this change, bar associations that obtain funding in support of their local fee dispute resolution programs submit detailed annual budgets for review and approval, and they are required to file reconciliation reports on a quarterly basis. This change brings the funding of Part 137 programs into conformity with the standard budget and contract practices of the Unified Court System. The Board of Governors believes that this change promotes greater accountability and that the budget negotiation process provides an opportunity for local programs and the Board of Governors to address collaboratively any impediments to a fair, expeditious and efficient process for attorneys and clients.

Local Program Administrator Meetings

As in previous years, due to fiscal constraints, the 2012 meeting was held by video conference. However, participants who could travel or who live or work close to New York City attended in-person. While there is always a preference to meet in person, the ability to meet by video cut down on travel costs and made it easier for administrators, who may be unable to travel due to other obligations, to participate. Scheduling is also more convenient, thus promoting greater attendance and participation.

Looking Ahead

The Board of Governors continues to ensure that there are sufficient numbers of well-trained and qualified arbitrators around the State to preside over fee arbitrations in a fair and timely manner. The Board recognizes the importance of continued outreach so that judges, attorneys and clients remain aware of the FDRP.

The Board will continue to consult with local program administrators to identify concerns and will continue to work with the Administrative Board of the Courts and the Office of Court Administration to oversee this valuable program.

Conclusion

In this annual report to the Administrative Board of the Courts, covering the eighth and ninth full years of operation, the Board of Governors expresses its gratification for the high level of cooperation we have received, without exception, from county-level bar associations in New York State and from District Administrative Judges across the State. We have benefitted greatly from the highly motivated and hands-on lawyers and members of the public who have been appointed by you to serve as members of the Board of Governors. Virtually every one of them has evinced great dedication to their task of implementing Part 137 and working with local programs to ensure the success of this Program.

We, the members of the Board of Governors, greatly appreciate the interest, responsiveness, and support we have received from the Administrative Board of the Courts. We believe that we continue to provide a process that guarantees the fair and speedy resolution of fee disputes and furthers the interests of the public and the legal profession.

APPENDIX A- BOARD OF GOVERNORS

Member	Appointment
Hon. Guy J. Mangano	Chief Judge Jonathan Lippman
Gene A. Johnson	Chief Judge Judith S. Kaye
Mary Loewenguth	Chief Judge Jonathan Lippman
Martha E. Gifford, Esq.	Chief Judge Jonathan Lippman
Simeon H. Baum, Esq.	Chief Judge Judith S. Kaye
Paul M. Hassett, Esq.	Chief Judge Jonathan Lippman
William J. Dockery, Esq.	Presiding Justice Joseph P. Sullivan
<i>Vacant</i>	Presiding Justice (App. Div. 1 st Dept.)
<i>Vacant</i>	Presiding Justice (App. Div. 1 st Dept.)
Stephen W. Schlissel, Esq.	Presiding Justice A. Gail Prudenti
Yolanda A. Walker	Presiding Justice A. Gail Prudenti
Robert J. Avallone, Esq.	Presiding Justice A. Gail Prudenti
Ferdinand J. Acunto	Presiding Justice Anthony V. Cardona
James L. Chivers, Esq.	Presiding Justice Anthony V. Cardona
John H. Pennock, Esq.	Presiding Justice Anthony V. Cardona
Linda M. Campbell, Esq.	Presiding Justice Eugene F. Pigott, Jr.
Elaine Z. Cole, Esq.	Presiding Justice Henry J. Scudder
Katherine S. Bifaro	Presiding Justice Henry J. Scudder

<i>Ex Officio</i>
Abigail Wickham, Esq.

APPENDIX B – APPROVED PROGRAMS

Program Approval Status- Statewide Overview

As of December 31, 2012

District	Administrator	Status
First (Manhattan)	Joint Committee on Fee Disputes and Conciliation	Joint program of New York County Lawyers Assn, Bronx County Bar Assn, and Assn of the Bar of the City of New York. Program operates out of NYCLA headquarters. Approved to administer program as of 3/4/2002
Second (Kings)	Brooklyn Bar Assn	Approved to administer program as of 8/20/2002
Third (Albany, Schoharie, Rensselaer, Greene, Columbia, Ulster, Sullivan)	District Administrative Judge's Office. (Program covers entire District)	Approved to administer program as of 7/23/2002
Fourth (Schenectady, Saratoga, Montgomery, Fulton, Washington, Warren, Hamilton, Essex, St. Lawrence, Franklin, & Clinton)	District Administrative Judge's Office (Program covers entire District)	Approved to administer program as of 5/1/2005
Fifth (Onondaga, Herkimer, Jefferson, Lewis, Oneida, Oswego)	Onondaga County Bar Assn, in partnership with the District Administrative Judge's Office (Program covers entire District)	Approved to administer program as of 7/24/2002
Sixth (Broome, Chemung, Chenango, Cortland, Delaware, Madison, Otsego, Schuyler, Tioga & Tompkins)	District Administrative Judge's Office (Program covers entire District)	Approved to administer program as of 4/16/2003

District	Administrator	Status
Seventh (Monroe, Cayuga, Livingston, Ontario, Seneca, Steuben, Wayne & Yates)	Monroe County Bar Assn, in partnership with the District Administrative Judge's Office (Program to cover entire District)	Approved to administer program as of 10/1/2002
Eighth (Erie, Allegany, Cattaraugus, Chautauqua, Genesee, Niagara, Orleans & Wyoming)	Bar Assn of Erie County (Program covers entire District)	Approved to administer program as of 2/6/2002
Ninth (Westchester, Dutchess, Orange, Putnam, Rockland)	District Administrative Judge's Office (Program covers entire District)	Approved to administer program as of 2/24/2003
Tenth (Nassau)	District Administrative Judge's Office (Program covers Nassau County)	Approved to administer program as of 2/24/2003
Tenth (Suffolk)	Suffolk County Bar Assn (SCBA Pilot program ran from Feb. 28, 2003 to Nov. 22, 2004 to arbitrate disputes of \$3000 and above only in Suffolk County; District Administrative Judge's Office arbitrated disputes between \$1,000 and \$3,000. The SCBA now handles all Part 137 fee disputes.)	Approved to administer program as of 10/9/2002
Eleventh (Queens)	District Administrative Judge's Office	Approved to administer program as of 4/24/2003
Twelfth (Bronx)	Same as First District	Same as First District
Thirteenth (Staten Island)	Richmond County Bar Assn	Approved to administer program as of 1/9/2003

APPENDIX C- CASELOAD DATA

The following pages summarize the caseload data that local programs reported.

	Statewide	1st & 12th JDs	2nd JD	3rd JD	4th JD	5th JD	6th JD	7th JD
<u>Disposition Information</u>								
Total Cases Closed	1,105	195	37	56	13	18	12	50
Average Weeks from Intake to Disposition	24.60	35.47	18.29	17.00	26.11	35.28	21.33	28.78
Total Cases Arbitrated	655	130	13	6	5	17	6	11
Cases Arbitrated With Awards Issued	418	112	9	6	3	13	5	8
Cases Settled During Arbitration	138	14	0	0	2	4	1	3
Arbitration Held But No Award Issued	99	4	4	0	0	0	0	0
Cases Arbitrated by One Arbitrator	338	64	8	5	3	10	3	5
Cases Arbitrated by Three Arbitrators	319	66	5	3	2	7	3	2
Total Cases Resolved Outside of Arbitration	181	56	3	3	2	0	3	20
Total Number of Settled Cases	160	35	3	3	2	0	3	20
Settlements Prior to Arbitration	158	35	3	3	2	0	3	20
Settlements Prior to Mediation	2	0	0	0	0	0	0	0
Total Number of Mediated Cases	21	21	0	0	0	0	0	0
Cases Mediated to Agreement	21	21	0	0	0	0	0	0
Cases Mediated With No Agreement	0	0	0	0	0	0	0	0
Total Cases Withdrawn and Dismissed for Lack of Jurisdiction	263	9	21	46	6	1	3	17
Cases Withdrawn	25	1	2	0	1	1	0	5
Cases Dismissed for Lack of Jurisdiction	238	8	19	46	5	0	3	12
<u>Financial Information</u>								
Total Admin. Fees Collected From Parties	\$81,890.00	\$31,700.00	\$8,925.00	\$0.00	\$0.00	\$1,350.00	\$0.00	\$7,925.00
Average Amount in Dispute	\$12,967.51	\$20,691.11	\$8,013.62	\$11,890.55	\$8,751.85	\$7,117.33	\$6,065.58	\$9,861.68

	8th JD	9th JD	10th JD - Nassau	10th JD - Suffolk	11th JD	13th JD
<u>Disposition Information</u>						
Total Cases Closed	67	114	233	230	66	14
Average Weeks from Intake to Disposition	18.71	37.81	20.83	18.86	12.14	23.36
Total Cases Arbitrated	35	71	145	161	45	10
Cases Arbitrated With Awards Issued	24	44	33	114	38	9
Cases Settled During Arbitration	11	19	31	46	7	0
Arbitration Held But No Award Issued	0	8	81	1	0	1
Cases Arbitrated by One Arbitrator	24	35	82	62	29	8
Cases Arbitrated by Three Arbitrators	10	36	64	99	20	2
Total Cases Resolved Outside of Arbitration	6	16	29	35	5	3
Total Number of Settled Cases	6	16	29	35	5	3
Settlements Prior to Arbitration	5	16	29	34	5	3
Settlements Prior to Mediation	1	0	0	1	0	0
Total Number of Mediated Cases	0	0	0	0	0	0
Cases Mediated to Agreement	0	0	0	0	0	0
Cases Mediated With No Agreement	0	0	0	0	0	0
Total Cases Withdrawn and Dismissed for Lack of Jurisdiction	25	27	58	33	16	1
Cases Withdrawn	6	0	1	7	0	1
Cases Dismissed for Lack of Jurisdiction	19	27	57	26	16	0
<u>Financial Information</u>						
Total Admin. Fees Collected From Parties	\$7,890.00	\$0.00	\$0.00	\$22,800.00	\$0.00	\$1,300.00
Average Amount in Dispute	\$10,190.91	\$12,961.80	\$11,624.80	\$13,219.43	\$7,249.03	\$9,734.21

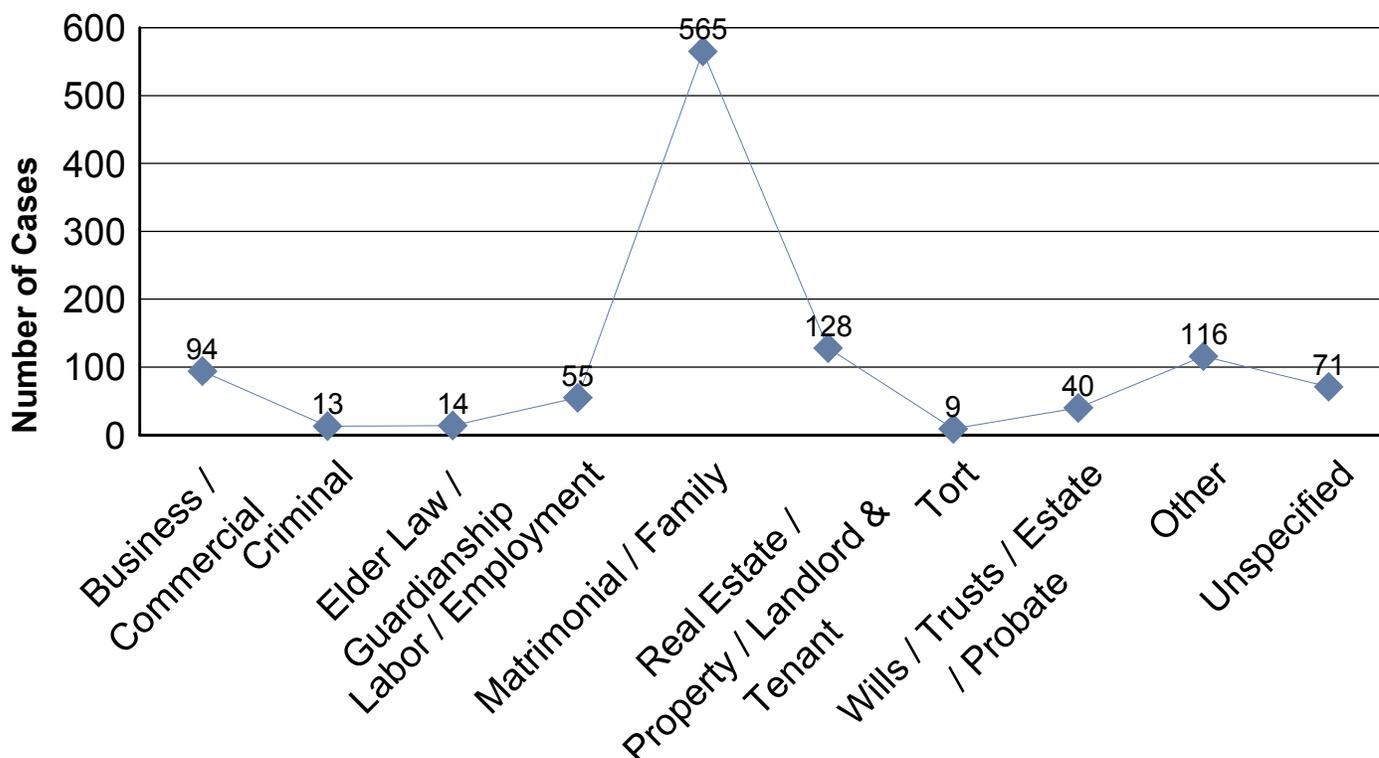
Quarterly Activity Report: 2012

	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Total
Cases Closed	289	281	258	277	1,105
Average Number of Weeks from Intake to Disposition	24.5	23.3	25.0	25.7	24.6
<u>Cases Arbitrated or Settled During Arbitration</u>					
Cases Arbitrated by One Arbitrator	89	85	70	94	338
Cases Arbitrated by Three Arbitrators	82	79	74	84	319
Total Admin. Fees Collected from Parties	\$23,870.00	\$18,835.00	\$20,050.00	\$19,135.00	\$81,890.00
Average Amount in Dispute (All Cases)	\$12,277.48	\$12,704.41	\$15,064.27	\$12,001.38	\$12,967.51

Filing Parties

Attorney	Client	Not Reported
120	926	59

Case Type Information



Disposition Information

	Number of Cases
Arbitrated - Award Issued	418
Arbitrated - No Award Issued	99
Mediated - Settlement Reached	21
Settled During Arbitration	138
Settled Prior to Arbitration or Mediation	160
Claim Withdrawn	25
Lack of Jurisdiction (see below)	238
Others	6
Total	1,105

Cases Dismissed for Lack of Jurisdiction

	<i>Number of Cases</i>
<i>Amount in Dispute > \$50,000</i>	10
<i>Amount in Dispute < \$1,000</i>	15
<i>Services Provided Outside Local Program's Geographic Jurisdiction</i>	20
<i>Referred to Grievance Committee for Apparent Attorney Misconduct</i>	16
<i>Substantial Legal Question</i>	37
<i>Other</i>	140