STATE OF NEW YORK
UNIFIED COURT SYSTEM
OFFICE OF THE DISTRICT ADMINISTRATIVE JUDGE
10TH JUDICIAL DISTRICT - NASSAU COUNTY
100 SUPREME COURT DRIVE
MINEOLA, NEW YORK 11501
(516) 493-3321
FAX: (516) 493-3320

A. GAIL PRUDENTI
Chief Administrative Judge

MICHAEL V. COCCOMA
Deputy Chief Administrative Judge
Courts Outside New York City

THOMAS A. ADAMS
Administrative Judge

PAUL LAMANNA, Esq.
District Executive

MARY T. CAMPBELL
Sr. Court Analyst
ADR / Fee Dispute Admin.

NASSAU PART 137-A

This local fee dispute program has been approved by the Board of Governors for the Statewide Part 137 Attorney-Client Fee Dispute Resolution Program. Website: www.nycourts.gov/admin/feedispute.

Enclosed please find the following documents:

The **Notice of Client's Right to Arbitrate a Dispute Over Attorneys Fees (Form UCS 137-1)** **or** The **Notice of Client's Right to Arbitrate a Dispute Over a Refund of Attorneys Fees (Form UCS 137-2);**

Part 137 Local Program Rules and Procedures for the 10th Judicial District (Nassau County) Attorney-Client Fee Dispute Resolution Program;

Standard Written Instructions and Procedures to Clients for the Resolution of Fee Disputes Pursuant to Part 137 to Part 137 of the Rules of the Chief Administrator (Form UCS 137-3);

Client Request for Fee Arbitration (Form UCS 137-4a); and

Consent to Submit Fee Dispute to arbitration Pursuant to Part 137.2 of the Rules of the Chief Administrator and to Waive Right to Trial *de Novo* (Form UCS 137-14).

If your answer to Question #7 on the Client Request for Fee Arbitration Form (Form UCS 137-4a) is $10,000 or more, please submit four (4) copies of that form in addition to the original copy (Total 5).

If your answer to that question is under $10,000.00, please submit two (2) copies of that form in addition to the original copy (Total 3). Please retain a copy for your records.

If you elect the option of Consent to Submit Fee Dispute to Arbitration Pursuant to Part 137.2 of the Rules of the Chief Administrator and to Waive Right to Trial *de Novo*(UCS 137-14), it will be forwarded to the Attorney Respondent for consideration as the consent must be mutual.

There is no filing fee for the Nassau County Program.

Mary T. Campbell
Program Administrator

enclosures (8/1/14)

UCS 137-2 (5/02)

NOTICE OF CLIENT'S RIGHT TO ARBITRATE A DISPUTE OVER A REFUND OF ATTORNEYS FEES

You claim that you are entitled to a refund in connection with legal fees you have paid the undersigned in the matter of :

The undersigned disputes the refund that you are claiming. You have the right to elect to resolve this fee dispute by arbitration under Part 137 of the Rules of the Chief Administrator of the Courts. To do so, you must file the attached Request for Fee Arbitration within 30 days from the receipt of this Notice, as set forth in the attached instructions.

If you do not file a Request for Fee Arbitration within 30 days from the receipt of this Notice, you waive the right to resolve this dispute by arbitration under Part 137.

Dated:_____ _____

(Attorney's Signature)

[print Attorney's name, address and telephone number below]

UCS 137-3 (9/05)

STANDARD WRITTEN INSTRUCTIONS AND PROCEDURES TO CLIENTS FOR THE RESOLUTION OF FEE DISPUTES PURSUANT TO PART 137 OF THE RULES OF THE CHIEF ADMINISTRATOR

Part 137 of the Rules of the Chief Administrator of the Courts provides a procedure for the arbitration (and in some cases mediation) of fee disputes between attorneys and clients in civil matters. Your attorney can provide you with a copy of Part 137 upon request or you can download a copy at www.nycourts.gov/admin/feedispute. Fee disputes may involve both fees that you have already paid to your attorney and fees that your attorney claims are owed by you. If you elect to resolve your dispute by arbitration, your attorney is required to participate. Furthermore, the arbitration will be final and binding on both your attorney and you, unless either of you seeks a trial *de novo* within 30 days, which means either of you reject the arbitrator's decision by commencing an action on the merits of the fee dispute in a court of law within 30 days after the arbitrator's decision has been mailed. Fees disputes which may not be resolved under this procedure are described in Part 137.1 of the Rules of Chief Administrator of the Courts: representation in criminal matters; amounts in dispute involving a sum of less than $1,000 or more than $50,000 unless the parties consent; and claims involving substantial legal questions, including professional malpractice or misconduct. Please consult Part 137.1 for additional exclusions.

Your attorney may not bring an action in court to obtain payment of a fee unless he or she first has provided written notice to you of your right to elect to resolve the dispute by arbitration under Part 137. If your attorney provides you with this notice, he or she must provide you with a copy of the written instructions and procedures of the approved local bar association-sponsored fee dispute resolution program ("Local Program") having jurisdiction over your dispute. Your attorney must also provide you with the "Request for Fee Arbitration" form and advise that you must file the Request for Fee Arbitration with the local program within 30 days of the receipt of the notice. If you do not file the Request within those 30 days, you will not be permitted to compel your attorney to resolve the dispute by arbitration, and your attorney will be free to bring a lawsuit in court to seek to obtain payment of the fee.

In order to elect to resolve a fee dispute by arbitration, you must file the attached "Request for Fee Arbitration" with the approved local program. An updated list of local programs is available at www.nycourts.gov/admin/feedispute or by calling toll-free 1-(877)-FEES-137 (1-877-333-7137). Filing of the Request for Fee Arbitration must be made

with the appropriate local program for the county in which the majority of legal services were performed. Once you file the Request for Fee Arbitration, the local program will mail a copy of the request to your attorney, who must provide a response within 15 days of the mailing. You will receive at least 15 days' notice in writing of the time and place of the hearing and of the identity of the arbitrator(s). The arbitrator(s) decision will be issued no later than 30 days after the date of the hearing. You may represent yourself at the hearing, or you may appear with an attorney if you wish.

Some local programs may offer mediation services in addition to arbitration. Mediation is a process by which those who have a fee dispute meet with the assistance of a trained mediator to clarify issues and explore options for a mutually acceptable resolution. Mediation provides the opportunity for your attorney and you to discuss your concerns without relinquishing control over the outcome and of achieving a result satisfactory to both of you. Participation in mediation is voluntary for your attorney and you, and it does not waive any of your rights to arbitration under these rules. If you wish to attempt to resolve your dispute through mediation, you may indicate your wish on the Request for Fee Arbitration form.

More information, including an updated list of local programs, is available at

http://www.nycourts.gov/admin/feedispute

or by calling 1-(877)-FEES-137 (1-877-333-7137).

TENTH JUDICIAL DISTRICT

NASSAU COUNTY

PART 137: ATTORNEY-CLIENT FEE DISPUTE RESOLUTION PROGRAM

LOCAL PROGRAM RULES AND PROCEDURES

SECTION 1 - **POLICY**

It is the policy of the Courts of the County of Nassau, Tenth Judicial District ("Courts of Nassau County"), to encourage out-of-court resolution of fee disputes between attorneys and clients in a fair, impartial and efficient manner. The Administrative Judge of the County of Nassau, Tenth Judicial District, is designated as the Administrator of the Attorney-Client Fee Dispute Resolution program for the Courts of the County of Nassau under these Rules and may delegate duties to such officers, committees, and employees as he/she may direct.

SECTION 2 - **DEFINITIONS**

A. "Answer" (also referred to as "Response to Request for Fee Arbitration") means the response to the "Request for Fee Arbitration" or "Petition".

B. "Arbitrator" means the person(s) designated by the Administrative Judge or his/her designee to hear the evidence presented by the parties and make a final determination.

C. "Administrator" means the Administrative Judge (or designee) of the County of Nassau, Tenth Judicial District, who oversees the Program.

D. "Approval" by the Board of Governors means, where so required by 22 NYCRR Part 137, recommendation by the Board of Governors with approval of the Presiding Justice of the Appellate Division, Second Department.

E. "Arbitration" means the settlement of disputes between parties by neutral third person(s) who hear both sides and render an award.

F. "Board" means the Board of Governors of the Attorney-Client Fee Dispute Resolution Program established under Part 137 of the Rules of the Chief Administrator.

G. "Client" means a person or entity who receives legal services or advice from an attorney on a fee basis in the attorney's professional capacity.

H. "The Office of the Courts of Nassau County" means the Administrative Judge's Office of the County of Nassau, Tenth Judicial District.

I. "Petition" means a "Request for Fee Arbitration" requested by either the client or the attorney.

J. "Petitioner" means the party requesting the fee arbitration.

K. "Program" means the Attorney-Client Fee Dispute Resolution Program established under 22 NYCRR Part 137 as administered and implemented by the Administrative Judge's Office of the County of Nassau, Tenth Judicial District, pursuant to the Rules and Procedures set forth herein.

L. "Respondent" means the party responding to the petition in opposition to the claim.

M. "Service" means personal service or service by certified mail.

N. "Written Instructions" means the Standard Instructions to Clients For the Resolution of Fee Disputes Pursuant to Part 137 Of the Rules Of the Chief Administrator (Form UCS 137-3 5/02) published by the Office of Court Administration.

SECTION 3 - **THE PROGRAM AND JURISDICTION**

A. The jurisdiction of this program, for disputes in which the majority of the legal services were performed in the County of Nassau, will be the County of Nassau.

B. In the event of a fee dispute between an attorney and client, where the representation has commenced on or after January 1, 2002, whether or not the attorney already has received some or all of the fee in dispute, the client may seek to resolve the dispute by arbitration pursuant to the Program.

Historical Note: Administrative Order 177/01 states that the provisions of Part 136 shall continue to apply to fee disputes in all domestic relations matters subject to that Part in which representation began prior to June 1, 2001. Administrative Order 260/01, filed June 14, 2001, which supercedes Order 177/01, states that the provisions of Part 136 shall continue to apply to fee disputes in all domestic relations matters subject to that Part in which representation began prior to January 1, 2002.

C. Arbitration under this Program shall be mandated for an attorney if requested by a client, and the arbitration award shall be final and binding unless *de novo* review is sought as further described herein.

D. Arbitration of fee disputes between attorneys and clients in Nassau County, shall take place through this Program. However, this Program shall not apply to any of the following:

1. Representation in criminal matters;

2. Amounts in dispute involving a sum of less than $1,000 or more than $50,000, except that the Office of the Courts of Nassau County may hear disputes involving other amounts if the parties have consented;

3. Claims involving substantial legal questions, including professional malpractice or misconduct;

4. Claims against an attorney for damages or affirmative relief other than the adjustment of the fee;

5. Disputes where the fee to be paid by the client has been determined pursuant to statute or rule and allowed as of right by a court; or where the fee has been determined pursuant to a court order.

6. Disputes where no attorney's services have been rendered for more than two years;

7. Disputes where the attorney is admitted to practice in another jurisdiction and maintains no office in the State of New York, or where no material portion of the services was rendered in New York;

8. Disputes where the request for arbitration is made by a person who is not the client of the attorney or the legal representative of the client.

E. Pursuant to a written request and subsequent approval by the Administrative Judge of the County of Nassau, Tenth Judicial District, the Board of Governors and the Presiding Justice of the Appellate Division, Second Judicial Department, this Program may be administered by the Nassau County Bar Association in accordance with all the rules and procedures set forth herein.

F. There shall be **NO FEE CHARGED** to any of the parties who participate in the Attorney-Client Fee Dispute Resolution Program.

G. In the event Service becomes necessary, after having unsuccessfully attempted service by certified mail where required under these Rules and Procedures, the Petitioner must pay, in advance by check or money order made payable to the entity delegated to make such personal service the cost of such service. At the discretion of the arbitrator(s), and to the extent authorized by law, these costs may be added to the arbitrator(s) award, if previously paid by the prevailing party.

H. 1. Arbitration under this Program shall be voluntary for the client unless:

(a) The client has previously consented in writing to submit fee disputes to the fee dispute resolution process by prior written agreement between the attorney and client wherein the client consented in advance to submit fee disputes to arbitration. To be valid on the part of the client, such consent must be knowing and informed. The client's consent shall be stated in a retainer agreement or other writing specifying that the client has read, pursuant to 22 NYCRR Part 137, the approved Rules and Procedures of the Office of the Courts of Nassau County and that the client consents to resolve fee disputes pursuant to the Program; or

(b) The attorney and client have consented in advance to submit fee disputes to arbitration that is final and binding and not subject to a trial *de novo*. To be valid on the part of the client, such consent must be knowing and informed and obtained in the same manner as set forth in the previous subsection of this section, except that the retainer agreement or other writing shall also state that the client understands that he/she is waiving the right to reject an arbitration award and subsequently commence a trial *de novo* in a court of competent jurisdiction.

2. Where an agreement to arbitrate exists between the attorney and client under either subsection H.1 (a) or (b) of this section, those provisions of Section 137.6(a) and (b) of 22 NYCRR Part 137 relating to the notice of client's right to arbitrate shall not apply and no further notice of the right to arbitrate shall be required. In such circumstance, Section 137.6(a)(2) of 22 NYCRR Part 137 shall apply and either party may commence the dispute resolution process by filing a Petition with the Administrative Judge, together with a copy of the parties' agreement to arbitrate.

3. The attorney and client may consent in advance to final and binding arbitration in an arbitral forum other than the one created under 22 NYCRR Part 137. To be valid on the part of the client, such consent must be knowing and informed and must be obtained in a retainer agreement or other writing. Such writing shall clearly state that the client understands

that he or she is agreeing to waive his or her rights with regard to Arbitration pursuant to Part 137, which includes the right to reject the arbitrator(s)' award by commencing an action on the merits (trial de novo) in a Court of Law. Arbitration in an arbitral forum outside Part 137 shall be governed by the rules and procedures of that forum. The Board may maintain information concerning other established arbitral programs and shall provide contact information for such programs upon request.

4. Fee disputes may be referred to the Administrative Judge of the County of Nassau by means not specifically described in 22 NYCRR Part 137, including but not limited to, attorney disciplinary authorities, bar associations, and employees, officers or judges of the courts. In those instances, the Administrative Office shall provide the client with information about the Program.

I. Upon notice of appointment, the arbitrator or the arbitration chairperson designated by the Administrator may contact the parties to see if they are amenable to attempting to settle the matter themselves before proceeding with the Arbitration. However, the designee is not authorized to provide legal advice to any of the parties involved.

SECTION 4 - **ARBITRATORS**

The Office of the Courts of Nassau County shall establish and maintain a sufficient number of arbitrators in order to meet the Program's caseload. Attorneys and non-attorneys shall serve as arbitrators. In recruiting arbitrators, the Office of the Courts of Nassau County shall recruit arbitrators representing a wide range of law practices and a diversity of non-attorney professions and occupations representing a cross-section of the communities. The Office of the Courts of Nassau County shall seek the assistance of local Bar Associations in the recruitment of attorney arbitrators. Non-attorney arbitrators will be recruited by contacting established Alternative Dispute Resolution programs throughout the district as well as the Unified Court System, Office of Alternative Dispute Resolution Programs.

A. Attorney arbitrators, approved by the Board of Governors of the New York State Fee Dispute Resolution Program, shall be appointed to provide as broad a spectrum of the Bar as possible. For any attorney to qualify for appointment as an arbitrator, the attorney must meet the following criteria:

1. be admitted to the New York Bar for at least five years, and

2. been engaged in the practice of law for at least three years, and

3. be qualified as an arbitrator under the American Arbitration Association

rules, by the Office of Court Administration or by the United States District Court through any of their arbitration programs; or

4. have completed a district-approved arbitration training program or the equivalent which program must be approved by the Board of Governors of the New York State Fee Dispute Resolution Program .

B. Non-Attorney Arbitrators, approved by the Board, shall be appointed by the Administrative Judge of the County of Nassau, Tenth Judicial District, from as broad a spectrum of the general public as possible. For a non-attorney to qualify for appointment as an arbitrator, the non-attorney must meet the following requirements:

1. be a resident of the 10th Judicial District or work within the district;

2. be fluent in speaking, reading and writing English; and

3. have completed a district-approved arbitration training program or the equivalent which program must be approved by the Board of Governors of the New York State Fee Dispute Resolution Program .

C. The number of arbitrators assigned to hear a fee dispute matter under this Program shall depend upon the amount in dispute as follows:

1. disputes involving a sum of less than $10,000.00 shall be submitted to one attorney Arbitrator; and

2. disputes involving a sum of $10,000,00 or greater shall be submitted to a panel of three Arbitrators, which shall include at least one attorney and one non-attorney member of the public; the chairperson of all the panels shall be an attorney and all decisions on the merits shall be decided by majority rule.

D. Lists of attorney Arbitrators may be maintained under the following headlines: matrimonials, litigation, real estate, business and other. Attorney Arbitrators will self-identify themselves as being within one or more of these areas and where practical, matters will be assigned to Arbitrators in order of placement on the respective lists; should there be a conflict of interest pursuant to subsection G of this section requiring the Arbitrator to be recused, the Arbitrator will remain at the top of the list for appointment in the next matter to be assigned.

E. Prospective arbitrators shall submit a summary of credentials to the Administrative Judge of the County of Nassau, Tenth Judicial District, which

shall be kept on record.

F. All arbitrators must sign a written oath or affirmation to faithfully and fairly arbitrate all disputes that come before them, which written oath or affirmation shall be kept on file by the Office of the Courts of Nassau County.

G. All arbitrators must conduct a conflict of interest check within 3 business days of initial contact by the administrator prior to accepting a case. A person who has any personal bias regarding a party or the subject matter of a dispute, a financial interest in the subject matter of the dispute, or a close personal relationship or financial relationship with a party to the dispute shall not serve as an arbitrator. An arbitrator shall disclose any information that he or she has reason to believe may provide a basis for recusal.

H. Arbitrators shall serve as volunteers. However, Continuing Legal Education ("CLE") credits may be awarded for training and/or service as an arbitrator, subject to the rules and standards of the New York State Continuing Legal Education board.

I. In making an award, arbitrators shall specify in a concise statement, the amount of and basis for the award.

J. Arbitrators have a duty to maintain the confidentiality of all proceedings, hearings and communications, including all papers pertaining to the arbitration conducted in accordance with Part 137 and these Rules and Procedures, except to the extent necessary in connection with ancillary legal action with respect to a fee matter. Arbitrators should refer all requests for information concerning a fee dispute to the Office of the Courts of Nassau County. Arbitrators shall not be competent to testify in a subsequent proceeding or trial *de novo.*

K. Arbitrators shall complete a minimum of six hours of fee dispute arbitration training approved by the Board of Governors of the New York State Fee Dispute Resolution Program. However, the Board may take previous arbitration training and experience under consideration in determining whether the foregoing training requirement has been met. In any case, all Arbitrators must complete a short orientation program designed to introduce them to 22 NYCRR Part 137 and these Rules and Procedures. Arbitrators may be required to undergo periodic refresher courses.

SECTION 5 - **THE FEE DISPUTE RESOLUTION PROCESS**

A. Where an attorney and client cannot agree as to the attorney's fee and there has been no prior written consent to arbitration as described in Section 3.H above, the

attorney shall serve a written notice to the client, entitled "Notice of Clients Rights to Arbitrate", by certified mail or personal service. The notice shall:

1. be in a form approved by the Board of Governors;

2. contain a statement of the client's right to arbitrate;

3. advise that the client has 30 days from receipt of the notice in which to elect to resolve the fee dispute;

4. be accompanied by a copy of these Rules and Procedures;

5. be accompanied by a copy of Written Instructions; and

6. be accompanied by a copy of the petition form necessary to commence the arbitration proceeding.

B. If the attorney serves a Notice of the Client's Right to Arbitrate as described in subsection A of this section and the client does not file a Petition with the district within 30 days after the Notice was received or served, the attorney may commence an action in a court of competent jurisdiction to recover the fee and the client no longer shall have the right to request arbitration pursuant to 22 NYCRR Part 137 with respect to the fee dispute at issue.

NOTE: An attorney who institutes an action to recover a fee must allege in the complaint (i) that the client received notice under 22 NYCRR Part 137 of the client's right to pursue arbitration and did not file a timely Request for Arbitration or (ii) that the dispute is not otherwise covered by Part 137.

C. If, in the alternative event the client elects to pursue arbitration on his own initiative, the client may contact the Administrative Judge's Office ("The Office of the Courts of Nassau County") at (516) 493-3321 or the attorney with whom the client has the dispute. In the case of the latter, the attorney shall be under an obligation to refer the client to the Office of the Courts of Nassau County. Upon receipt, the Office of the Courts of Nassau County shall forward the Petition to the client by mail.

D. The Petitioner shall then file the Petition with the Office of the Courts of Nassau County.

1. Upon receipt of the Petition, the Office of the Courts of Nassau County shall assign a filing number to the matter.

2. The Office of the Courts of Nassau County shall contact the Petitioner to review the facts and circumstances supporting the Petition to insure that this is a matter within the jurisdiction of the Program. If it is determined that this is a matter not within the jurisdiction of the Program, the Office of the Courts of Nassau County shall inform the Petitioner.

3. If it is determined that this matter is a matter within the jurisdiction of the Program, the Office of the Courts of Nassau County shall mail, by certified mail, a copy of the Petition to the Respondent together with an answer form to be **completed by the Respondent and returned to the Office of the Courts of Nassau County within 15 days of the aforesaid mailing of the Petition to the Respondent**. If service cannot be made by certified mail and personal service becomes necessary, the Petitioner will be so informed and the Petitioner will be required to pay the expense of such service in advance by cashiers check or money order, made payable to the entity making such service, as designated by the Office of the Courts of Nassau County. The cost for such personal service may be added to the Arbitrator(s) award, if previously paid by the prevailing party, at the discretion of the Arbitrators, to the extent authorized by law.

4. The Respondent shall return its Answer to the Office of the Courts of Nassau County, together with a signed, written statement (certification) stating that a copy of the Answer was served upon the Petitioner.

5. Once the Answer and certification have been received or, if 15 business days have elapsed since the service of the Petition and answer form without any response from the Respondent, the Office of the Courts of Nassau County shall designate the Arbitrator(s) who will hear the dispute and shall expeditiously schedule a hearing.

6. At least 15 days prior to the date of the hearing, the Office of the Courts of Nassau County shall notify the parties in writing of the date, time and place of the hearing and of the identify of the Arbitrator(s). Any subsequent rescheduling will be a matter between the parties and the Arbitrator(s) at the discretion of the Arbitrator(s).

7. Either party may request the removal of an Arbitrator based upon the Arbitrator's personal or professional relationship to a party or party's counsel. A request for removal must be made to the Office of the Courts of Nassau County no later than 5 days prior to the scheduled date of the hearing. The Office of the Courts of Nassau County shall have the final decision concerning the removal of an Arbitrator.

8. The Petitioner may not withdraw from the process once an Answer has been submitted. If the Petitioner seeks to withdraw at anytime thereafter, the arbitration will proceed as scheduled whether or not the Petitioner appears, and a decision will be made on the basis of the evidence presented.

9. If the Respondent, without good cause, fails to respond to a petition or otherwise does not participate in the arbitration, the arbitration will proceed as scheduled and a decision will be made on the basis of the evidence presented.

10. Any party may participate in the arbitration hearing without a personal appearance by submitting to the Arbitrator(s) testimony and exhibits by written declaration under penalty of perjury.

11. **Arbitrators shall have the power to**:

    a. compel, by subpoena, the attendance of witnesses and the production of books, papers, and documents pertaining to the proceeding;

    b. administer oaths and affirmations; and

    c. take and hear evidence pertaining to the proceeding.

12. The Rules of Evidence need not be observed at the hearing.

13. Either party, at its own expense, may be represented by counsel.

14. The burden shall be on the attorney to prove the reasonableness of the fee by a preponderance of the evidence and to present documentation of the work performed and the billing history. The client may then present his or her account of the services rendered and time expended. Witnesses may be called by the parties. The attorney shall have the right to reply. The client shall have the right of final reply.

15. Where there is more than one (1) Arbitrator, any disputes arising among them shall be decided by the Chairperson, consistent with 22 NYCRR Part 137 of the Rules of the Chief Administrator and the minimum Standards and Guidelines of the Board of Governors of the New York State Fee Dispute Resolution Program.

16. Any party may provide for a stenographic or other record at the party's expense. The other party to the arbitration shall be entitled to a copy of

said record upon written request and payment of the expense of duplication. **The parties to the arbitration must stipulate at least five (5) days prior to the hearing as to what kind of record will constitute a true and authentic record of the proceeding**.

17. The arbitration award shall be issued by mail with a copy forwarded to the Office of the Courts of the County of Nassau no later than 30 days after the date of the hearing. Arbitration awards shall be in writing and shall state the amount and basis for the award. If *de novo* review has been waived pursuant to Section 3.H(b) of these Rules and Procedures, then the arbitration award shall be final and binding.

SECTION 6 - ***DE NOVO* REVIEW**

If *de novo* review has not been previously waived in writing, either party may seek *de novo* review of the arbitration award by commencing an action on the merits in any court of competent jurisdiction within thirty (30) days after the Notice of Arbitration Award has been mailed. Notice of commencement of such an action shall be provided to the Office of the Courts of Nassau County. If no action is commenced within thirty (30) days of the mailing of the Notice of Arbitration Award, the award shall become final and binding. Any party who fails to participate in the hearing shall not be entitled to seek *de novo* review absent good cause shown for such failure to participate. Arbitrators may not be called as witnesses nor shall the arbitration award be admitted in evidence at the trial *de novo*.

SECTION 7 - **NOTICES**

Except as otherwise stated herein, all notices, correspondence and papers necessary and proper for the arbitration proceeding under this Program and for the entry of judgment of any arbitration award may be served upon any party by regular mail addressed to that party at that party's last known address or the party's counsel of record.

SECTION 8 - **CORRESPONDENCE**

Requests for further information and correspondence relating to this Program may be sent to the Office of Administrative Judge of the County of Nassau, Tenth Judicial District, at the following address:

Office of the Administrative Judge
Alternative Dispute Resolution Office
Supreme Court, Room 186
100 Supreme Court Drive
Mineola, NY 11501
(516) 493-3321

SECTION 9 - **PERIODIC REVIEW**

The functioning of this Program shall be reviewed periodically from the reports submitted by the Office of the Courts of Nassau County to the Board of Governors including any recommendations or suggested changes of the Program.

SECTION 10 - **EFFECTIVE DATE**

These Rules and Procedures shall take effect immediately upon Approval of the Board of Governors of the New York State Fee Dispute Resolution Program and the Presiding Justice of the Appellate Division Second Department. These Rules and Procedures and any amendments thereto shall apply in the form in effect at the time an arbitration is initiated.

(Office Use Only)
Date Received:.....
Case Number: _____

UCS 137-4a (10/13)

CLIENT REQUEST FOR FEE ARBITRATION

1. Your name, address and telephone number:

   Name:
   Address:

   Telephone Number:
   Email Address:

2. Name, address and office telephone number of the law firm and/or attorney who handled your matter:
   Name:
   Address:

   Telephone Number:
   Email Address (if known):

3. If your attorney represented you in a lawsuit, in which court and county was the lawsuit filed?
   Court:_____ County: _____

4. a. On what date did your attorney first agree to handle your case?
   _____, 20___
   b. On what date did your attorney last perform services on your case?
   _____, 20___

5. Briefly describe the type of legal matter involved and what your attorney agreed to do in

the course of representing you (attach a copy of the written retainer agreement, letter of engagement, or other papers describing the fee arrangement, if any):

6. In the space below, indicate the date, amount and purpose of each payment you made to your attorney. Attach additional sheets if necessary.

Date	Amount	Purpose (e.g., attorney's time, out-of-pocket expenses, filing fees, etc.)
_____	$_____	_____
_____	$_____	_____
_____	$_____	_____
_____	$_____	_____

7. How much of your attorney's fee is in dispute (attach a copy of your attorney's bill, if available):$_____

8. Have you received a "Notice of Client's Right to Arbitrate" from your attorney? _____. If yes, please attach a copy.

9. Briefly describe why you believe your attorney is not entitled to the amount set forth in question 7 (use additional sheets if necessary):

10. I elect to resolve this fee dispute by arbitration, to be conducted pursuant to Part 137 of the Rules of the Chief Administrator [22 NYCRR] and the procedures of the Tenth Judicial District, Nassau County, copies of which I have received. I understand that the determination of the arbitrator(s) is binding upon both the lawyer and myself, unless either party rejects the arbitrator's award by commencing an action on the merits of the fee dispute (trial de novo) in a court of law within 30 days after the arbitrator's decision has been mailed.

Dated:_____ Signed:_____

IMPORTANT: You must file this Request for Fee Arbitration with:

10th Judicial District - Nassau County
Office of the Administrative Judge
Alternative Dispute Resolution Office
Supreme Court, Room 186
100 Supreme Court Drive
Mineola, NY 11501