

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

The amount of \$ _____ is due and owing for the provision of legal services with respect to _____. If you dispute that you owe this amount, you have the right to elect to resolve this 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, and your attorney will be free to bring a lawsuit in court to seek payment of the fee.

Dated: _____

[Attorney's name and address]

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 name and address]



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.courts.state.ny.us/feegov. 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 \$1000 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.courts.state.ny.us/feegov or by calling (212) 428-2862. 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.courts.state.ny.us/feegov> or by calling (212) 428-2862.

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

CLIENT REQUEST FOR FEE ARBITRATION

1. Your name, address and telephone number:

Name:

Address:

Telephone Number:

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

Name:

Address:

Telephone Number:

3. If your attorney filed a lawsuit on your behalf, in which county and court was the lawsuit filed?

Court: _____ County: _____

4. On what date did your attorney first agree to handle 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. Indicate whether you wish to attempt to resolve this fee dispute through mediation (Participation in mediation is voluntary for your attorney and you, and it does not waive your rights to arbitration under these rules in the event that mediation is unsuccessful or the attorney refuses to participate in mediation; note that the local program with jurisdiction over your fee dispute may not offer mediation.)

The Third Judicial District does not offer mediation.

11. 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 Third Judicial District, 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 to:

District Administrative Judge
Third Judicial District Administrative Office
40 Steuben Street, Sixth Floor
Albany, NY 12207

**In the Matter of Fee Dispute
Arbitration between**

(Office Use Only)

Case Number: _____

, **Client**

**ATTORNEY RESPONSE
TO REQUEST
FOR FEE ARBITRATION**

and

, **Attorney**

INSTRUCTIONS

Attached is a copy of a "Request for Fee Arbitration" by the above Client. Please complete this attorney response below and return it to the undersigned within 15 days of this mailing along with a certification that you have served the Client with the attorney response and indicating the manner of service:

1. Name, address, telephone number:

2. Set forth in narrative fashion your response to the request for fee arbitration, indicating those items in the request with which you disagree and providing a brief explanation of why you believe you are entitled to the amount of the fee that is in dispute (use additional pages if necessary):

3. I agree to attempt to resolve this fee dispute first through mediation [applicable only if client so indicates in item 10 of the request]
The Third Judicial District does not offer mediation.

Dated: _____, 20__

Signature _____

UCS 137-6 (11/01)

**In the Matter of Fee Dispute
Arbitration between**

, Client

and

, Attorney

To:

PLEASE TAKE NOTICE, that an arbitration hearing to determine the fee dispute between the above parties will be held on _____, 200__, at _____ (a.m.) (p.m.), at _____.

The arbitrator(s) hearing the dispute will be:

_____.

You are required to bring to the hearing all evidence that you intend to introduce and to present any witnesses that you will call to testify on your behalf. If you wish a record to be made of the arbitration hearing, you may provide, at your own expense, a stenographer or tape recorder. If you have any objection to a particular arbitrator who has been designated to hear this case, you must provide your objections to the undersigned within 5 days of your receipt of this Notice.

Dated: _____, 20__

(Office Use Only)
Case Number: _____

**NOTICE OF
ARBITRATION HEARING**

Local Program Address

Signature

ARBITRATOR'S OATH OR AFFIRMATION

I, _____, hereby agree to serve as
an arbitrator pursuant to Part 137 of the Rules of the Chief Administrator and I swear or affirm that
I will arbitrate all matters coming before me faithfully and fairly.

Signed: _____

Affirmed before me this
____ day of _____, 200__.

(Notary Public)

MEDIATOR'S OATH OR AFFIRMATION

I, _____, hereby agree to serve as a mediator pursuant to Part 137 of the Rules of the Chief Administrator and I swear or affirm that I will mediate all matters coming before me faithfully and fairly.

Signed: _____

Affirmed before me this
____ day of _____, 200__.

(Notary Public)

**In the Matter of Fee Dispute
Arbitration between**

, Client

and

, Attorney

(Office Use Only)

Case Number: _____

**NOTICE OF
ARBITRATION AWARD**

Attached is the determination of the arbitrator(s) who heard the fee dispute between the above parties. This determination is final and binding on the parties, unless either party rejects the arbitrator(s) decision 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: _____, 20__

UCS 137-10 (11/01)

**In the Matter of Fee Dispute
Arbitration between**

, Client

and

, Attorney

(Office Use Only)

Case Number: _____

**NOTICE OF FINAL AND BINDING
ARBITRATION AWARD**

Attached is the determination of the arbitrator(s) who heard the fee dispute between the above parties. This determination is final and binding on the parties. Article 75 of the Civil Practice Law and Rules permits review of arbitration awards on the narrow grounds set forth therein, and you are entitled to seek review of the award by the courts within 90 days of your receipt of this decision.

Dated: _____, 20__

Third Judicial District
40 Steuben Street
Albany, NY 12207

**In the Matter of Fee Dispute
Arbitration between**

, Client

(Office Use Only)

Case Number: _____

and

STIPULATION OF

SETTLEMENT

, Attorney

A request for fee arbitration having been made and the parties having come to an agreement as to the reasonable amount of the fee due in this matter, it is hereby stipulated and agreed:

1. The AMOUNT IN DISPUTE is: \$ _____
2. The TOTAL of the AMOUNT IN DISPUTE to which the attorney is entitled is (including all costs and disbursements and amounts previously paid by the client): \$ _____
3. The AMOUNT of this total PREVIOUSLY PAID by the client is: \$ _____
4. (a) The BALANCE DUE by the client to the attorney is: \$ _____

-OR-

- (b) The AMOUNT TO BE REFUNDED by the attorney is: \$ _____

It is further agreed that the payment of the amount agreed shall be made within _____ days of the date of this stipulation.

ATTORNEY

CLIENT

(Please print names below signatures)

Dated: _____ [Give copy to each party]

**In the Matter of Fee Dispute
Arbitration between**

, Client

and

, Attorney

(Office Use Only)

Case Number: _____

**ARBITRATION
AWARD**

1. The AMOUNT IN DISPUTE is: \$ _____

2. The TOTAL of the AMOUNT IN DISPUTE to which the attorney is entitled is (including all costs and disbursements and amounts previously paid by the client): \$ _____

3. The AMOUNT of this total PREVIOUSLY PAID by the client is: \$ _____

4. (a) The BALANCE DUE by the client to the attorney is: \$ _____

-OR-

(b) The AMOUNT TO BE REFUNDED by the attorney is: \$ _____

Statement of Reasons:

(Signatures of Arbitrator(s); print name below signatures)

Dated: _____

[Mail copy to each party]

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

**CONSENT TO RESOLVE FEE DISPUTE BY ARBITRATION PURSUANT TO
PART 137.2 (b) OF THE RULES OF THE CHIEF ADMINISTRATOR**

[The language below may be incorporated into a retainer agreement between the parties]

The parties to this agreement, _____ (“Client”),
and _____, Esq. (“Attorney”), agree that in the
event a dispute should arise as to the attorney’s fee for legal services, they will resolve the fee
dispute by arbitration pursuant to Part 137 of the Rules of the Chief Administrator of the Courts
(22 NYCRR), which provides for binding arbitration unless either party rejects the arbitration
award by commencing an action on the merits of the fee dispute in a court of law (trial *de novo*)
within 30 days after the arbitrator’s decision has been mailed.

By signing this agreement, attorney and client indicate that they have received and read
the official written instructions and procedures for both Part 137 and the Third Judicial District.
Attorney and Client understand that they are not required to sign this agreement. Client
understands that in the absence of this agreement, (s)he would have the right to choose whether
or not to participate in this program. This agreement does not foreclose the parties’ attempting to
resolve this fee dispute at any time through voluntary mediation.

Attorney: _____ Client: _____

Date: _____ Date: _____

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

**CONSENT TO SUBMIT FEE DISPUTE TO ARBITRATION PURSUANT TO
PART 137.2 (c) OF THE RULES OF THE CHIEF ADMINISTRATOR
AND TO WAIVE RIGHT TO TRIAL *DE NOVO***

[The language below may be incorporated into a retainer agreement between the parties]

The parties to this agreement, _____ (“Client”),
and _____, Esq. (“Attorney”), agree that in the
event a dispute should arise as to the attorney’s fee for legal services, they will resolve the fee
dispute by arbitration conducted pursuant to Part 137 of the Rules of the Chief Administrator of
the Courts (22 NYCRR), except that they agree to be bound by the decision of the arbitrator(s)
and agree to waive their rights to reject the arbitrator(s) award by commencing an action on the
merits (trial *de novo*) in a court of law within 30 days after the arbitrator(s) decision has been
mailed.

By signing this agreement, attorney and client acknowledge that they have received and
read the official written instructions and procedures for Part 137 and the written instructions and
procedures for the Third Judicial District. Attorney and Client understand that they are not
required to agree to waive their right to seek a trial *de novo* under Part 137. This agreement does
not foreclose the parties’ attempting to resolve this fee dispute at any time through voluntary
mediation.

_____ Attorney _____

_____ Client _____

(Please print names below signatures)

Dated: _____

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

**CONSENT TO SUBMIT FEE DISPUTE TO MEDIATION PURSUANT TO
PART 137 OF THE RULES OF THE CHIEF ADMINISTRATOR**
[The language below may be incorporated into a retainer agreement between the parties]

The parties to this agreement, _____ (“Client”),
and _____, Esq. (“Attorney”), agree to attempt
to resolve their fee dispute through mediation pursuant to Part 137 of the Rules of the Chief
Administrator of the Courts (22 NYCRR).

By signing this agreement, attorney and client acknowledge that they have received and
read the official written instructions and procedures for both Part 137 and the LOCAL PROGRAM NAME
_____. Attorney and Client understand that participation in
mediation does not waive any of their rights to arbitration under Part 137 in the event that
mediation does not result in a final settlement.

Attorney and Client further agree that all communications made during or in connection
with the mediation process are confidential and shall not be disclosed in any subsequent civil or
administrative proceeding, including any subsequent fee arbitration or trial de novo.

ATTORNEY

CLIENT

(Please print names below signatures)

Dated: _____

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

**CONSENT TO FINAL AND BINDING ARBITRATION
IN AN ARBITRAL FORUM OUTSIDE PART 137
UNDER 137.2 (d) OF THE RULES OF THE CHIEF ADMINISTRATOR**

[The language below may be incorporated into a retainer agreement between the parties]

The parties to this agreement, _____ (“Client”), and
_____, Esq. (“Attorney”), agree that in the event a
dispute should arise as to the attorney’s fee for legal services, they will resolve the fee dispute by
arbitration before an arbitral forum outside Part 137 of the Rules of the Chief Administrator of the Courts
(22 NYCRR), and that the arbitration shall be governed by the rules and procedures of that forum.

By signing this agreement, attorney and client acknowledge that they have received and read the
official written instructions and procedures for both Part 137 and the _____ LOCAL PROGRAM NAME
_____, and the client has been advised: (1) that (s)he
has the right to use the fee arbitration procedures of Part 137, and; (2) that (s)he is not required to agree to
arbitrate this fee dispute in an arbitral forum outside Part 137. By signing this form, Attorney and Client
agree to waive their 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.

Attorney

Client

(Please print names below signatures)

Dated: _____