



UCS 137-3a (9/21)

STANDARD WRITTEN INSTRUCTIONS AND PROCEDURES TO CLIENTS FOR  
RESOLUTION OF FEE DISPUTES PURSUANT TO PART 137 OF THE RULES OF  
THE CHIEF ADMINISTRATOR WHERE THERE IS A PRIOR WRITTEN  
AGREEMENT TO ARBITRATE

Part 137 of the Rules of the Chief Administrator of the Courts provides arbitration (and in some cases mediation) of fee disputes between attorneys and clients in civil matters. Your attorney can give you with a copy of Part 137 upon request or you can download a copy at [www.nycourts.gov/feedispute](http://www.nycourts.gov/feedispute). Arbitration is where a neutral person called an "arbitrator" hears arguments and evidence from each side and then decides the outcome. It is less formal than a trial and the rules of evidence are relaxed. 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 agreed in advance to submit any fee disputes to Part 137 arbitration, both your attorney and you are required to participate. Furthermore, the arbitration will be final and binding on both your attorney and you (i) if you have consented in advance that the arbitration is final and binding and not subject to a trial de novo; or (ii) even if you did not agree in advance, but neither of you seeks a trial de novo within 30 days.

A request for a trial de novo means you or your attorney rejects the arbitration decision. Rejection requires a party to commence an action on the merits of the fee dispute in a court, within 30 days after the arbitration decision has been mailed to the parties.

Some fee disputes may not be resolved under Part 137. These are described in [Part 137.1](#) of the Rules of the 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.

Either party may start the dispute resolution process by filing the attached Request for Fee Arbitration form, and a copy of the parties' agreement to arbitrate, with the appropriate local program designated to hear fee disputes between attorneys and clients in your area. An updated list of local programs is available at <http://www.nycourts.gov/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 local program for the county in which the majority of legal services were performed. If 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 mailing. If the attorney files the Request for Arbitration, the local program will mail a copy of the request to you. The attorney and 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) will issue a decision 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 and 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/feedispute>

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