



Fee Dispute Committee

The Vermont Bar Association (the “VBA”) offers free services to resolve disputes over an attorney’s billed fees. The free services include both **mediation** and **arbitration**, and are provided by the VBA Fee Dispute Committee (f/k/a the Fee Arbitration Committee) (the “Committee”) to those who choose to participate. This program provides an efficient alternative to litigation in court.

The process is confidential, and intentionally designed to be clear and simple. It begins with a request by filling out our online form. Click [HERE](#) to access it. The Committee Chair will then contact the parties to confirm that they agree to participate. Both sides must agree to engage in the process, and they may choose mediation, or arbitration, or both. The Committee Chair will provide a short form for signature confirming the chosen process.

MEDIATION

Mediation is a non-binding process in which a dispute is resolved only by agreement of the parties. A neutral, third party acts as a mediator to assist the parties in arriving at a mutually acceptable resolution of their dispute. The mediator is not a judge. Rather, the mediator meets with the parties to discuss the dispute and explore solutions. The mediator, as a neutral, third party, objectively views the dispute and can assist the parties in thinking about their positions, their strengths and weaknesses, and how the dispute might be resolved.

If the parties agree to mediate, the Committee Chair will speak to each individual in an attempt to seek resolution. Parties should expect to provide copies of billing statements. Sometimes a resolution is reached at this stage. If not, the Committee Chair will schedule a mediation date and require both parties to attend. If mediation is successful, the parties will enter into a Settlement & Mutual Release Agreement outlining the terms of the settled dispute. If mediation is not successful, the parties may agree to arbitrate.

Mediation is not a pre-requisite for arbitration.

ARBITRATION

Arbitration is a process in which a dispute is submitted to one or more arbitrators who make a decision on the dispute. It is like a mini trial, except it is a private process and is generally much more efficient.

If the parties agree to arbitration, the Committee Chair will contact volunteer members of the Committee and convene a panel of 1 to 3 arbitrators ("Arbitration Panel"). The size of the Arbitration Panel will depend on the complexity of the dispute. The Arbitration Panel will request any relevant materials and schedule a hearing. At the hearing, the parties can present whatever relevant evidence they wish the Arbitration Panel to consider, and may present arguments in support of their position.

After the hearing, the Arbitration Panel will render a written decision within thirty (30) days as to what fee, if any, must be paid. Note that the Arbitration Panel cannot and will not make decisions as to the behavior or ethics of an attorney.

Frequently Asked Questions:

1. What is the Arbitration Panel and what do they do?

The Arbitration Panel consists of 1-3 volunteer attorneys who are members of the Vermont Bar Association and/or trained non-attorney neutral volunteers. The Arbitration Panel promotes open and full discussions at all arbitration hearings. They hear testimony and take evidence, including the actual fee charged by the attorney, and the client's opinion as to a fair fee. The final decision, however, may not agree with either party's figure. The arbitrators have the right to award a fee that is either higher, the same as, or lower than the attorney's actual bill.

2. What will happen at an arbitration hearing?

The parties will meet with the Arbitration Panel in Montpelier at a conference room of the Vermont Bar Association, or as otherwise agreed. The parties will be accompanied by any relevant witnesses. Generally, when the dispute is between an attorney and a client, the client will have the first opportunity to tell their side of the dispute. The attorney will then be allowed to ask questions. Next, the attorney will have the opportunity to present their side of the dispute, and the client will be allowed to ask questions. Members of the Arbitration Panel may ask questions of each party, as well. Again, the Arbitration Panel will only consider evidence and testimony that is directly related to the fee dispute.

3. Should I be represented by an attorney at the hearing?

Parties are not required to be represented by an attorney. However, the parties are encouraged to consider having an attorney present if they are concerned about representing themselves. If you choose to represent yourself at the hearing, it may also be advisable for you to consult an attorney beforehand.

Questions?

If you have any questions about the Vermont Bar Association's Fee Arbitration Committee process, or if you need further information, please call [the VBA at 802-223-2020](tel:802-223-2020).

VERMONT BAR ASSOCIATION - FEE DISPUTE COMMITTEE

MEDIATION AGREEMENT

This Mediation Agreement concerns a proposed mediation by Jeffrey M. Messina, Esq., (“Mediator”) in his role as the Chair of the Fee Dispute Committee through the Vermont Bar Association (“VBA”), between _____, and _____.

This proposed mediation is in regards to a fee dispute for services rendered by Attorney _____ to _____.

Attorney _____, through [FIRM], represented _____ in certain [MATTER]. The parties have a disagreement regarding Attorney _____’s fees, and each, respectively, desires to share certain information and documents, including billing statements, specifically related to the representation, with the Mediator.

Provision of information regarding this dispute to the Mediator does not in any way waive, pierce, abandon, or otherwise impede any and all existing privileges related to the information provided or the underlying representation. The parties acknowledge the foregoing and agree to provide the Mediator with any relevant documents. The Mediator will keep all information and documents confidential.

The parties also agree that the Mediator is not providing legal advice, and is not rendering a decision in this dispute. Rather, the Mediator is merely acting as a facilitator to assist the parties in reaching an amicable resolution of their dispute.

NAME Date

NAME Date
Individually and as agent of
[FIRM].