

STANDARD INSTRUCTIONS TO CLIENTS FOR ARBITRATION OF FEE DISPUTES
IN THE COUNTY OF SUFFOLK PURSUANT TO RULE 137

Part 137 of the Rules of the Chief Administrator, Title 22, provides a procedure for the arbitration of fee disputes for amounts between \$1,000.00 and \$50,000.00, between attorneys and clients in civil cases. A copy of Part 137 will be made available upon request. Your attorney may not bring an action in court to obtain payment of a fee, unless he or she first has notified you of your right to elect to resolve the dispute by arbitration or the written agreement between you and your attorney provides for arbitration which will be binding on both you and your attorney and cannot be appealed except in certain limited circumstances.

If the amount in dispute is under \$10,000.00, but more than \$1,000.00, the arbitration will be heard by one attorney arbitrator. If the amount in dispute is \$10,000.00 or more, but less than \$50,000.00 (unless by agreement of the parties), the arbitration will be heard by a panel of three arbitrators, consisting of two attorneys and one layperson, who shall be selected at random from a pool of arbitrators comprised of laypersons. All arbitrators will be selected by the appropriate Dispute Resolution Committee of the Suffolk County Bar Association.

Arbitration is available only if you dispute the amount of the fee paid or owed. In order to elect to resolve this dispute by arbitration, you must file the attached "Request for Fee Arbitration" with the Suffolk County Bar Association within 30 days from the receipt of this Notice with the appropriate fee of \$150.00, unless other arrangements are made to obtain a waiver of fee. The Suffolk County Bar Association is located at 560 Wheeler Road, Hauppauge, New York 11788-4357, (631) 234-5511; filing of the Request for Arbitration must be made with the Suffolk County Bar Association, who has jurisdiction over the attorneys in the county in which the civil action was brought or would have been brought. If you do not file the Request for Arbitration within those 30 days, you will not be permitted to elect 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, or may elect arbitration if specifically provided for in their retainer agreement or letter of engagement.

Once you or the attorney timely files the Request for Arbitration, the arbitration hearing will be held as expeditiously as possible, and a decision will be made within 30 days of the date of the hearing. You will receive notice of the decision by mail. You are not required to be represented by an attorney at the hearing, although you may appear with an attorney, if you wish. You may also participate by submission of a notarized written statement served on all named parties.

A stenographic or other recording may be taken of the hearing and a copy to be provided to the panel, upon request by the panel.