



The Bar Association of Baltimore City
Fee Dispute Resolution

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A Guide to Fee Dispute Resolution

If you have a fee dispute, you may wish to participate in the Bar Association of Baltimore City's Fee Dispute Resolution Program, which is available to clients and lawyers who have disputes over legal fees. We offer mediation to assist in resolving fee disputes. In addition, if it is desired by both parties, we also offer arbitration. There is no fee to participate in the program.

To participate in the program, you must submit a written request for resolution of the disputed fee within three years after the last time work was conducted by the lawyer. The program cannot accept a request for resolution of a disputed fee after a lawyer has filed a lawsuit to collect the legal fee.

Once you have submitted your written request, this writing will serve as a formal Petition. A copy of your Petition and any accompanying materials will be sent to the opposing party for a response to participate in mediation. Not all fee disputes are suitable for facilitation; that determination will be made after a review of all the materials submitted. We reserve the right to deny a Petition for mediation at any time and for any reason.

The following are some frequently ask questions regarding the Fee Dispute Resolution program.

Q: When is a lawyer required to participate in the Bar Association of Baltimore City's fee dispute resolution program?

A. The Rules of Professional Conduct requires attorneys to "conscientiously consider submitting" fee disputes to arbitration and mediation procedures established by the Bar. However, no lawyer is required to participate. With that being said, we have no jurisdiction to require any party to participate in our program. Both parties must be willing voluntary participants.

Q: When is a legal fee in "dispute?"

A fee is in dispute if the client questions or objects to the amount billed.

Q. Is a fee dispute the same as filing a complaint against my lawyer for their work or conduct?

A. No. Our program is specifically intended to resolve only fee disputes. If you have a complaint related to the attorney's competency, conduct or professionalism the Attorney Grievance Commission of Maryland is the appropriate agency for matters of this nature.

Q. What if my opposing party declines to participate?

A. If your opposing party declines to participate in mediation, we will close the matter. Mediation is a voluntary process that requires both parties to be willing participants.

Q. What is mediation and arbitration?

A. Mediation and arbitration are two forms of Alternative Dispute Resolution (ADR), which acts as a substitute to resolving disputes in court. Because mediation and arbitration are conducted outside of court, they require both parties to voluntarily agree to participate.

Q. What is the difference between mediation and arbitration?

A. Mediation is a non-binding process where a neutral third-party (the mediator) works with the parties to reach a mutually agreeable settlement. If a settlement is not reached, the mediator has no authority to impose one. In arbitration, the arbitrator hears evidence and receives testimony, much like a judge and makes a decision that is binding on the parties.

Q. I am a lawyer with a fee dispute with another lawyer, can I use this program?

A. Yes. Fee disputes may erupt between co-counselors. Just like any other matter, a written request would need to be filed by one of the parties to create a Petition.