

**LYCOMING LAW ASSOCIATION  
LYCOMING COUNTY, PENNSYLVANIA**

**FEE DISPUTE RESOLUTION COMMITTEE**

**RULES OF PROCEDURE FOR MEDIATION  
OR ARBITRATION OF DISPUTES**

**PREAMBLE:**

1.1 The following shall constitute the Rules under which all matters to be mediated or arbitrated by the Fee Dispute Committee of the Lycoming Law Association shall be processed and determined. Only complaints against members of the Lycoming Law Association shall be mediated or arbitrated by the committee.

**PURPOSE:**

2.1 The purpose of the Fee Dispute Committee is to provide for the expeditious resolution through mediation and/or arbitration of any dispute involving charges for professional services by attorneys who are members of the Lycoming Law Association.

**APPOINTMENT OF COMMITTEE:**

4.1 The committee shall consist of members in good standing of the Lycoming Law Association, one to be designated as Chairperson and one as Vice-Chairperson, to be appointed by the President of the Lycoming Law Association in accordance with the procedures of the Association established for the appointment of committees.

4.2 Committee members shall be selected to provide representation from a broad spectrum of the Bar from the standpoint of both firm organization and types of practice.

4.3 Committee members shall be experienced in the practice of law and no member of the Committee shall have practiced for less than five (5) years.

4.4. The Chairperson of the Committee shall decide routine questions of procedure and interpretation of these Rules.

JURISDICTION:

5.1 The Committee shall have jurisdiction in disputes, as described in Purpose above, arising within Lycoming County, except:

- A. Disputes in which the fee charged to or paid by the client or on the client's behalf has been determined pursuant to Statute or by Court Order, Rule or Decision or by an administrative agency.
- B. Disputes where a client seeks damages other than a reduction in fee.
- C. Disputes that are the subject of a lawsuit, either in the collection of a fee by an attorney or to recover part or all of the same from an attorney. The Committee will accept jurisdiction of a dispute that is in suit if the parties thereto agree to continue same and voluntarily submit the dispute to the Committee.
- D. Matters in which either party has obtained a judgment through litigation or by consent, unless the parties voluntarily subject the dispute to the Committee or unless the judgment is opened or stricken by the Court.
- E. Disputes where the amount of the legal fee is \$500 or less.

INITIATION OF PROCEEDINGS:

6.1 Proceedings before the Committee shall be started by a party filing a written Data Sheet and their consent to mediation and/or binding arbitration. Forms to initiate the proceedings shall be provided by the Lycoming Law Association upon request.

6.2 The Chairperson of the Committee, upon receipt of the written Data Sheet, shall determine whether the Committee has jurisdiction over the alleged dispute under Rule 5.1.

6.3 A copy of the Data Sheet shall be served upon the respondent by the Chairperson of the Committee. The respondent shall be asked to submit the dispute to the jurisdiction of the Committee and return the executed consent to mediation and/or arbitration.

6.4 If either party refuses to consent to mediation and/or binding arbitration under these Rules, the Chairperson of the Committee shall advise both parties in writing of that fact and that the Committee cannot proceed with mediation or binding arbitration. The case will then be closed.

RIGHT TO COUNSEL:

7.1 Each party to a dispute has the right to be represented at their own expense by an attorney-at-law at the mediation or at any stage of arbitration. No member of the Fee Dispute Committee shall represent any party.

RULES FOR MEDIATION:

8.1 All disputes submitted to the Committee shall initially be subject to mediation in accordance with these Rules and the American Bar Association Model Standards of Conduct for Mediators.

8.2 Upon receipt by the Committee of a written Data Sheet from any person alleging facts, the existence of which brings the matter within the jurisdiction of this Committee, the Chairman or his or her designee shall make an effort to informally

mediate the matter between the complaining party and the member of the Lycoming Law Association against whom the dispute has been directed.

8.3 If the Chairman or his or her designee is unable to mediate the matter to the mutual satisfaction of the parties involved, within a reasonable time, and if the parties do not desire to submit the matter to binding arbitration in accordance with the rules herein specified, the parties shall then be informed that there is nothing further the Committee can do in the matter.

REFERRAL TO ARBITRATION PANEL:

9.1 If the Committee has jurisdiction and if both parties consent to the arbitration process, an Arbitration Panel shall be appointed by the Chairperson of the Committee. A hearing shall be conducted to inquire into the propriety of the attorney's fees at which time the Panel shall determine whether the Code of Professional Responsibility, the Rules of Professional Conduct, or other considerations of fairness require changes in such fee, and, if so, to set the amount of such fee.

9.2 The hearing shall be held within forty-five (45) days after the referral of the Data Sheet to the Arbitration Panel, unless continued by order of the Chairperson of the Panel.

9.3 The Chairperson of the Panel shall provide twenty (20) day notice of the hearing notifying the parties of their right, at their expense, to present witnesses and documentary evidence in support of their positions.

9.4 The term "party" as used in these Rules refers to a party to an arbitration and shall include all parties that have executed a consent to binding arbitration.

9.5 Unless the parties agree to the contrary, all hearings shall be held at the offices of the Lycoming Law Association at 25 West Third Street, Suite 803, Williamsport, Pennsylvania.

ARBITRATION PANEL:

10.1 Unless the parties agree to a different number, the Arbitration Panel shall consist of three (3) members in good standing of the Lycoming Law Association Fee Dispute Committee.

10.2 One member of the Arbitration Panel shall be designated as Chairperson of arbitrators by the Chairperson of the Committee.

ARBITRATION HEARING:

11.1 The rules and principles of Common Law Arbitration, as set forth in 42 Pa. C.S.A. 7341 and 7342 shall apply to this Committee and to the parties who have agreed to be bound to the Decision of the Committee.

11.2 On the hearing date, the Arbitration Panel shall meet, take testimony and receive evidence, and have a complete and full hearing of the matter.

11.3 There shall be no stenographic record of the proceedings.

11.4 The Chairperson of the Arbitration Panel may postpone or adjourn the hearing from time to time as necessary.

11.5 The Chairperson of the Arbitration Panel shall preside at the hearing, be the judge of the relevance and materiality of the evidence offered, shall rule on the questions of procedure, and shall exercise all powers relating to the conduct of the hearing.

11.6 The parties to the arbitration are entitled to be heard, to present evidence and to cross-examine witnesses appearing at the hearing.

11.7 Testimony of witnesses shall be given under oath. The Chairperson of the Panel shall administer oaths to all witnesses testifying at the hearing.

11.8 If any party to an arbitration who has been notified fails to appear at the hearing, the presiding arbitrators may proceed with the hearing and enter a binding Decision upon the evidence produced, notwithstanding such failure of the party to appear. A decision shall not be made solely on the default of a party. The Arbitration Panel shall require the attending party to submit supporting evidence.

11.9 Formal rules of evidence shall not apply.

#### ARBITRATION DECISIONS:

12.1 A Decision of the Arbitration Panel shall be rendered within five (5) days after the close of the hearing.

12.2 The Decision shall be made by a majority of the Arbitration Panel. The Decision shall be in writing and signed by all members of the Panel. The Decision shall state only the amount of the award, if any, and any terms of payment if applicable, unless the Panel, in its discretion, chooses to include an explanation for the basis of their award.

12.3 The Chairperson of the Panel shall provide a copy of the Decision to the parties and to the Chairperson of the Committee by personal service, by first class mail, by placement in attorney Courthouse mailbox or by any other method agreed to by the parties.

12.4 Judgment may be entered on the Decision in any court of competent jurisdiction by either party at their cost, upon application of a party pursuant to 42 Pa. C.S.A. §7342(b).

WAIVER OF HEARING:

13.1 If both parties in writing waive a hearing, the Arbitration Panel may dispense with the hearing and decide the matter on written submissions. In such cases, the Panel shall give each party suitable time to present his or her case in writing and to respond to the assertions of the other. The Panel shall render its Decision on such submissions.

13.2 Notwithstanding the above, should any party be incarcerated at the time of the commencement of a case falling under the jurisdiction of the Committee and there is no likelihood of said party being released from prison within six (6) months from the date of his or her Complaint to the Committee, the matter shall be decided solely on written submissions of each party.

CONFIDENTIALITY:

14.1 Except as set forth in these Rules, all records, documents, files, proceedings and hearings pertaining to the arbitration of any fee dispute shall be confidential, and shall not be open to the public or any person not involved in the dispute. This provision shall not prohibit either party from requesting confirmation of the award and entry of a judgment in accordance with Paragraph 12.4.

NOTICES:

15.1 Notices and correspondence may be sent to the parties, Panel members, and others by personal service, by first class mail, by placement in attorney Courthouse

mailbox or by any other method agreed to by the parties. It is the responsibility of all parties to notify the Committee of any change in address during the pendency of any arbitration proceeding.

ACTIVITY REPORT:

16.1 The Chairperson of the Committee shall submit a quarterly activity report to the Executive Director of the Lycoming Law Association which shall include a list of all written Complaints filed before the Committee and the disposition of each case, together with any other information requested by the Executive Director of the Lycoming Law Association.

CONCLUSION:

17.1 At the conclusion of the matter the entire file shall be submitted to the Executive Director of the Lycoming Law Association. Copies of all documents in the possession of the Committee members shall be either destroyed or sent to the Executive Director of the Lycoming Law Association.