

How will I know the outcome of the arbitration?

The arbitrator will render a decision and provide a written award that will be filed with the Office of General Counsel. The program administrator will forward copies of the award to all parties involved.

Is there a charge to arbitrate the attorney's fees?

The State Bar of New Mexico offers an arbitration program as a free service to the public and to attorneys.

What happens if the respondent will not arbitrate?

If the respondent declines arbitration or does not return the signed agreement within 20 business days, he or she is considered to have refused to arbitrate and the petitioner will be notified. If arbitration is declined by the respondent, the petitioner may wish to consult with an attorney regarding other options available.

Arbitrations shall be held in accordance with the State Bar of New Mexico Fee Arbitration Rules and the New Mexico Uniform Arbitration Act § 44-7A-1 et. seq. NMSA 1978.

Important Contact Information

State Bar of New Mexico
Fee Arbitration Program
Albuquerque (505) 797-6054
Statewide (800) 876-6657
www.nmbar.org

State Bar of New Mexico
Referral Program
(30 minutes consultation for \$30)
Albuquerque (505) 797-6066
Statewide (800) 876-6657



STATE BAR
of NEW MEXICO

Fee Arbitration Program
Office of General Counsel
P. O. Box 92860
Albuquerque, NM 87199-2860
(505) 797-6054 • (800) 876-6657
www.nmbar.org

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The Client ~ Attorney Relationship

Fee Disputes and Arbitration

P. O. Box 92860
Albuquerque, NM 87199-2860
(505) 797-6054 • (800) 876-6657
www.nmbar.org

The State Bar of New Mexico's Fee Arbitration Program provides attorneys and clients with an out-of-court method of resolving fee disputes that is expeditious, confidential, inexpensive, and impartial.

What do I do if I disagree with the attorney's fee?

- If you have a fee agreement, review it to see what you have agreed to pay;
- Request an accounting/billing statement;
- Review the accounting/billing statement to see if you can dispute any fees as unearned fees;
- If you can dispute a minimum of \$1,000 in unearned fees, you can petition the Fee Arbitration program to arbitrate.
- The arbitration program is a voluntary program and is not mandatory for either party to participate.

What disputes do not qualify for fee arbitration?

- Unfavorable outcome of your case;
- You are seeking damages against the attorney based upon alleged malpractice or professional misconduct; and
- There is a court order, rule or decision that has determined the amount of the fees and/or costs charged which are to be paid to your attorney.

Do I have a valid claim?

Fee disputes such as overcharging for services or charging for services not performed may be arbitrated.

Are there limits on the amount that can be arbitrated through the Fee Arbitration program?

- The minimum amount that can be arbitrated is \$1,000.
- For arbitrations less than \$25,000 the arbitration will be before a single arbitrator.
- For arbitrations more than \$25,000, either party may request a panel of three arbitrators.

How do I start the process?

- Gather supporting documents to verify your claim. Supporting documents include billing statements, receipts and any correspondence regarding the fee dispute.
- Request the Petition for Fee Arbitration by calling (505) 797-6054 or (800) 876-6657 or download the Petition at www.nmbar.org;
- Read the Fee Arbitration Rules which are included with the petition or download them from the website;
- Submit one original and **two** copies of the signed and dated petition and supporting documents if the amount in dispute is under \$25,000; and,
- Submit one original and **four** copies of the signed and dated petition and supporting documents if the amount in dispute is over \$25,000.

What happens after I petition?

The Petition shall be reviewed to determine if the matter is appropriate for fee arbitration. If so, a copy of the Petition along with a Respondent Fee Arbitration Agreement will be sent to the respondent. The respondent has **20 business days** to return the signed agreement.

What happens if both parties agree to arbitration?

If both parties agree to arbitrate, a volunteer arbitrator is assigned and the parties will receive a notice of appointment.

A hearing will be scheduled by the arbitrator. It may be held in person or over the phone. Either party may request a record of the hearing at their own expense.

Parties may choose to be represented by an attorney, present evidence, and cross-examine witnesses appearing at the hearing.

If one party does not show, the arbitrator may still hear and determine the dispute.

Who are the arbitrators?

The Fee Arbitration Program has volunteer arbitrators who are both attorneys and non-attorneys from throughout New Mexico who donate their time to help resolve fee disputes.