



## ATTORNEY-CLIENT RELATIONS COMMITTEE VOLUNTARY FEE DISPUTE PROGRAM

*The Program is Voluntary and limited in scope. All aspects of your requested relief are not guaranteed. Please date and initial this document and forward with your petition.*

### Jurisdiction

- The program is **voluntary, not mandatory**, therefore if the respondent attorney chooses not to participate in mediation/arbitration we will have no choice but to close the file.
- The fee dispute program is an OPTION parties may choose to resolve their dispute.
- Client should review the retainer or client fee agreement to ascertain whether there is a 'third party' named in the agreement for resolving disputes; usually found on either the 4<sup>th</sup> or 5<sup>th</sup> pages of the agreement. If there is a 'named' third party the HSBA is precluded from assisting the parties in this instance. Types of disputes; such as third party fee disputes ie., Association Lawyer's Fees, fees determined by the Courts, Workers Compensation, Department of Labor statute and/ or other statute determined fee are not accepted.
- Certain disputes are also unacceptable, such as those with ethical and/or malpractice claims. For clarification you may contact the HSBA Fee Dispute Administrator Evelyn Gomez at [iris@hsba.org](mailto:iris@hsba.org); or call 792-7350 between 8 a.m-4:30 p.m., weekdays, before submitting the petition.

### Review & Acceptance

- Workload of HSBA staff, and volunteer panel members will determine the length of time to both review, process petition for acceptance into the program, as well as subsequent mediation/arbitration.
- If after review, the petition is accepted; the petition will be forwarded to the respondent attorney for response; if the attorneys response is in the affirmative the attorney will forward a non-refundable administrative fee of either \$100 or \$150 respectively for mediation or arbitration for further follow through.

### Mediation/Arbitration

- If either of the parties are not on Oahu, there is no need for a 'face to face' meeting, however, **parties will need to teleconference** or email and be prepared to communicate with mediator/arbitrator at a time and date indicated. Parties will be responsible for their own expenses to facilitate communications.
- The service the HSBA provides will be limited to rendering a decision in the case of an Arbitration or reasonably assisting the parties through Mediation; however the mediator will not 'force' parties to a resolution. The HSBA will **not 'collect' or enforce arbitration award** through a court proceeding.

### PROCESS

- Client fills out petition and returns to HSBA for review.
- The review time is subject to workload of HSBA and the Chairs of Committee
- Upon review and acceptance of petition it is forwarded to attorney for review & comment.
- The HSBA gives the attorney 15 days to respond to petition. Upon the receipt of an affirmative response we will locate a panel member to assist parties.
- The HSBA contacts a panel member/Panel member subsequently checks for conflicts/if none Parties are notified of designated panel member.
- Panel member contacts parties to set up meeting and follow-through.

- In case of an **arbitration**, the Hawaii State Bar Association’s panel member will render a decision based on evidence provided, however the arbitrator does not have duty or jurisdiction to ‘collect’ on the arbitration award for the prevailing party or nor file documents in court to obtain such.
- With regards to **mediation**, though the panel member mediator will be assisting, the mindset of the parties going into mediation will not be to prove who is right and wrong ; rather for the parties to ‘come to a place’ OR ‘middle ground’ where they are willing to ‘cut losses and compromise’ to ‘move forward’ to a resolution. Therefore, the parties are responsible for their own resolution and in cases where the ‘parties’ are unable to resolve their issues; or see ‘eye to eye’ on their issues, neither the HSBA nor the panel member will be responsible for the unsuccessful mediation.

**HSBA FEE DISPUTE PROGRAM \* Alakea Corporate Twr  
1100 Alakea Street, Ste. 1000,  
Honolulu, Hi 96813  
PHONE-808-792-7350 OR EMAIL TO [EGOMEZ@HSBA.ORG](mailto:EGOMEZ@HSBA.ORG)**

**PLEASE INITIAL AND DATE INDICATING YOU UNDERSTAND THE SCOPE AND LIMITATIONS OF OUR PROGRAM.**

**DATE \_\_\_\_\_ INITIAL \_\_\_\_\_**

*\*PLEASE NOTE THERE IS NO PUBLIC PARKING AVAILABLE AT OUR OFFICE BUILDING*