

In Proceedings Before the
Legal Fee Arbitration Board
of the
Massachusetts Bar Association

JOINT PETITION FOR ARBITRATION OF A FEE DISPUTE
(Attorney vs. Attorney)

Petitioner

Petitioner's lawyer, if represented

Name

Name

Address

Address

Telephone #

Telephone #

Fax #

Fax #

Respondent

Respondent's lawyer, if represented

Name

Name

Address

Address

Telephone #

Telephone #

Fax #

Fax #

The Petitioner and the Respondent represented _____ in the
_____ matter and request arbitration of the fee
dispute set forth in this petition.

Was either attorney referred by the MBA Lawyer Referral Service? **Yes** **No**

If yes, when? _____

General Information

1. The Petitioner and the Respondent must each enclose a check in the amount of \$250 (\$125 if an MBA member) for the filing fee. The check should be payable to the Massachusetts Bar Association. **The filing fee is nonrefundable.**
2. If either party seeks a waiver of the filing fee, a written request must be submitted with this petition and should state a reason, such as economic hardship, for the request. Waivers are only granted for substantiated economic hardship.
3. The parties must observe Rule III.E of the Rules of the MBA's Legal Fee Arbitration Board, which were provided, with respect to the submission of any additional documents including any written fee agreements, invoices, time sheets, memoranda and other work product.
4. Before filing this petition, the Petitioner and the Respondent should make every effort to discuss the nature of this fee dispute and attempt in good faith to resolve the dispute.
5. The parties will be notified of the date and time of the arbitration hearing by telephone or mail.
6. Each party has the right to be represented, at his or her own expense, by an attorney at each stage of the arbitration proceedings.

Agreement

1. The parties agree to be legally bound by the Award of Arbitrators and the Rules of the Massachusetts Bar Association's Legal Fee Arbitration Board and acknowledge that this agreement constitutes a valid and enforceable contract to arbitrate this dispute. A court of competent jurisdiction has the power to enter a judgment on the Award resulting from the arbitration.
2. The parties affirm that no court has come to a final decision on this matter and that this matter is not pending before an administrative agency, including the Board of Bar Overseers, or if pending, it has been stayed.

Facts Concerning the Dispute - Petitioner

1. The total amount of the legal fees arising from this matter was \$_____.
\$_____ has been paid by _____ to _____.
Petitioner has received \$_____ and the Respondent has received \$_____.
2. Was there a fee agreement with the client and/or the opposing party concerning the fee?
Yes No
Please attach a copy of any written agreement. If oral, please summarize.
3. Was there a fee agreement with the other attorney and/or the opposing party concerning the fee? **Yes No**
Please attach a copy of any written agreement. If oral, please summarize.
4. Do you have records of your time spent on the underlying matter? **Yes No**
If yes, attach copies.
5. Was there a lien filed? **Yes No**
7. Briefly describe the matter (e.g., personal injury, criminal, domestic, contract, tort, tax) for which legal services were sought and your role therein (e.g., successor counsel, co-counsel, etc.)
8. Briefly describe the services you agreed to perform, what you actually did and any instructions from the client relating thereto, including the status of the matter when the dispute arose, and what you did up to that point. Be prepared to produce pleadings, investigative reports, correspondence, memoranda, research and draft documents prior to the hearing in support of this petition. (Please attach additional sheets, if necessary.)
9. Describe the nature of this fee dispute, including the amount that is in dispute and state your position with regard thereto, including the value you provided and associated with the underlying claim. (Please attach additional sheets, if necessary.)
10. Please state the amount in dispute \$_____ and how much of the disputed fee is fairly due to the Petitioner \$_____ and to the Respondent \$_____ and the basis for your position.

Date

Signature of Petitioner

Facts Concerning the Dispute - Respondent

1. The total amount of the legal fees arising from this matter was \$_____.
\$_____ has been paid by _____ to _____.
Petitioner has received \$_____ and the Respondent has received \$_____.
2. Was there a fee agreement with the client and/or the opposing party concerning the fee?
Yes No
Please attach a copy of any written agreement. If oral, please summarize.
3. Was there a fee agreement with the other attorney and/or the opposing party concerning the fee? **Yes No**
Please attach a copy of any written agreement. If oral, please summarize.
4. Do you have records of your time spent on the underlying matter? **Yes No**
If yes, attach copies.
5. Was there a lien filed? **Yes No**
6. Briefly describe the matter (e.g., personal injury, criminal, domestic, contract, tort, tax) for which legal services were sought and your role therein (e.g., successor counsel, co-counsel, etc.)
7. Briefly describe the services you agreed to perform, what you actually did and any instructions from the client relating thereto, including the status of the matter when the dispute arose, and what you did up to that point. Be prepared to produce pleadings, investigative reports, correspondence, memoranda, research and draft documents prior to the hearing in support of this petition. (Please attach additional sheets, if necessary.)
8. Describe the nature of this fee dispute, including the amount that is in dispute and state your position with regard thereto, including the value you provided and associated with the underlying claim. (Please attach additional sheets, if necessary.)
9. Please state the amount in dispute \$_____ and how much of the disputed fee is fairly due to the Petitioner \$_____ and to the Respondent \$_____ and the basis for your position.

Date

Signature of Respondent

(Additional space for responses to questions)

Filing Fee

PLEASE DO NOT SEND CASH

Charge my Mastercard VISA AmEx

Enclosed is my non-refundable filing fee.

Check Money Order

Account #

Please make payable to the
Massachusetts Bar Association

Exp. Date

Date

Send Payment and Agreement to:
Massachusetts Bar Association / FAB
20 West St., Boston, MA 02111

Signature