

SPECIAL COMMITTEE ON THE RESOLUTION OF FEE DISPUTES

Richard C. Sullivan, Jr., Chair

The Special Committee on the Resolution of Fee Disputes oversees the VSB's Fee Dispute Resolution Program (FDRP). The FDRP was begun in 1995, after extensive study by the special committee. The FDRP provides the bar and the public with an informal, private, quick and inexpensive alternative to litigation or the disciplinary system for resolving fee disputes through voluntary binding arbitration.

The program has expanded to 12 Circuit Committees on the Resolution of Fee Disputes (CCRFD) around the Commonwealth. Each CCRFD is made up of a panel of lawyers and nonlawyers nominated by their local bar associations and appointed by the Virginia State Bar president. Prince William (the 31st circuit) was recently added. The special committee writes the rules that govern arbitrations, periodically reviews and revises those rules, and conducts training sessions for panel members of the CCRFDs. This year, a new circuit, the 17th circuit (Arlington), has indicated an interest in forming a CCRFD, and the committee is working with local bar leadership in Arlington to form that committee. Currently, there are CCRFDs in the 10th, 11th, 13th, 16th, 18th, 19th, 20th, 23rd, 24th, 27th and 28th circuits. The Tidewater area does not have an official CCRFD but is served by the Norfolk and Portsmouth Bar Association, and referrals go from the Virginia State Bar to the Norfolk and Portsmouth Bar Association Fee Dispute Resolution Committee.

The committee's principal focus has remained on its efforts to raise the awareness level of the program, especially among the judiciary and bar members. The Fee Dispute Resolution Program was included on last summer's program of the judicial conference of District Judges held in Virginia Beach. The chair's presentation was well received by the general district and circuit court judges in attendance. This year also saw a revision of the program's informational brochure. The revision has resulted in a more user-friendly piece and is shared with all individuals who make inquiries about the program. Additionally, this year the committee added two laymembers to its roster. We are pleased to have welcomed Thomas J. Gallagher, president and CEO of Central Virginia Better Business Bureau, and Col. George B. Mason, chief of the Virginia Capitol Police, to our group.

Last year, the VSB received 390 inquiries from attorneys and clients seeking help resolving a fee dispute. One hundred thirty-seven referrals were made by the VSB to local CCRFDs. The local CCRFD chairs, who are charged with overseeing each local CCRFD and with making initial efforts to conciliate or mediate fee disputes before the hearing stage, reported receiving 82 inquiries during the year. One fee dispute was resolved without a hearing, and five arbitrations were held during the year. Nine arbitrations were pending at the year's end.

The special committee continues its efforts to raise the profile of the program, alerting—or reminding—more lawyers and clients that the program exists as an option for resolving fee disputes. Our statistics continue to indicate that many more clients sign agreements to arbitrate than do attorneys, and that continued trend is of concern to the committee. Thus, the committee continues to focus its efforts on encouraging more attorneys to agree to arbitrate fee disputes. Articles about the program have run in various bar publications, including the April 2001 edition of *The Virginia Lawyer*.

