



Fee Dispute Resolution Program

Do not return this form to the VSB.

It must be returned to the CCRFD chair listed on your cover letter/email. If you do not have this information, please call 804-775-9423.

Agreement To Participate

1. Petitioner Information

Full Name: _____
Last First M.I.

Address: _____
Street Address Apartment/Unit/Suite#

_____ City State Zip Code

Home Phone: () _____ Work Phone: () _____

Fax: () _____ Email Address: _____

2. Respondent Information

Full Name: _____
Last First M.I.

Address: _____
Street Address Apartment/Unit/Suite#

_____ City State Zip Code

Home Phone: () _____ Work Phone: () _____

Fax: () _____ Email Address: _____

3. Administrative fee (\$20) enclosed or sent separately by postal mail?

Yes No

If no, please explain: _____

4. The amount of the fee in controversy: \$ _____

5. Is there a writing such as a contract or letter regarding the attorney's fees to be charged?

Yes No

6. Does Petitioner contend that such contract or letter requires mediation or arbitration?

Yes No

7. Pending Action:

a. Has any court entered an order regarding the attorney's fee dispute?

Yes No

b. Is there an action pending (even if stayed) before a court?

Yes No

If yes, please explain: _____

8. Does the client allege an ethical violation (other than the fees charged) that has not already been addressed by the Virginia State Bar? (If you feel the attorney has committed an ethical violation, please contact the Virginia State Bar at 804-775-0570 or 866-548-0873. Both lawyer-mediators and lawyer-arbitrators shall be bound by the Rules of Professional Conduct throughout the fee dispute resolution process and, as such, must comply with all reporting requirements.)

Yes No Unknown

9. Statement of Facts:

Attach a separate sheet only if necessary. Documents and exhibits will be requested later.

Do not produce them now! [See Endnote]

a. PETITIONER: Briefly state your position as to the fee dispute and any other fees due from/to the Respondent.

b. RESPONDENT: Briefly state your position as to the fee dispute and any other fees due from/to the Petitioner.

10. Consent to Participate:

Parties may consent to mediation or to arbitration. Parties may also consent both to mediation and, in the event that mediation fails to result in an agreed resolution, to arbitration.

The undersigned parties do hereby agree to submit to mediation and/or arbitration of their controversy concerning the legal fees charged by the attorney named herein. The parties authorize a

duly appointed panel of the Virginia State Bar Circuit Committee on the Resolution of Fee Disputes to act as Mediator(s) and/or Arbitrator(s) and to proceed to hear this matter pursuant to the Fee Dispute Resolution Program Rules & Guidelines.

Mediators will seek impartially to facilitate communication between the parties and, without deciding the issues or imposing a solution, try to enable the parties to reach a mutually agreeable resolution. Arbitrators shall be vested with all the powers and shall assume all the duties granted and imposed upon arbitrators by Virginia law, including the power to determine the manner in which the arbitration proceeding shall be conducted.

It is expressly agreed, however, that each party shall be entitled to be heard and shall have the right to be represented by an attorney at any mediation session or arbitration hearing. It is also agreed that the mediators and arbitrators shall serve without compensation and shall be governed by the Fee Dispute Resolution Program Rules & Guidelines.

The parties understand and agree that a mediated agreement is enforceable as a contract under Virginia law. The parties further understand and agree that judgment may be entered on an arbitration award in any court of competent jurisdiction in the Commonwealth of Virginia and, therefore, any award rendered shall be binding. Consent to arbitrate is irrevocable, which means that, once this form is signed either party is entitled to go forward with a determination of the merits of the dispute and with court entry of an award, even if the other party later chooses not to participate in the proceedings.

11. Acknowledgment of Production Requirements and Time Limits for Arbitration:

The undersigned parties acknowledge that they are required to exchange witness lists and all documents and other tangible things upon which they intend to rely and to provide copies to each appointed arbitrator at least ten days prior to the arbitration hearing. Witnesses not identified and exhibits not produced as set forth above may not be used to support a party's case.

The parties further acknowledge that presentation of evidence will normally be limited to one hour per party. A Petitioner who anticipates offering rebuttal evidence will be required to reserve a portion of Petitioner's hour for that purpose.

a. PETITIONER:

i. Do you agree to participate in:

Mediation

Arbitration

ii. Do you believe that you will need more than one hour to present your evidence at an arbitration hearing?

Yes

No

iii. Do you wish to waive an arbitration hearing and to submit your position and contentions in writing, together with exhibits, in lieu of a hearing?

Yes

No

iv. What is your preferred method of being contacted for this proceeding?

Email

Fax

Regular Mail

b. RESPONDENT:

i. Do you agree to participate in:

Mediation

Neither Mediation nor Arbitration

Arbitration

ii. Do you believe that you will need more than one hour to present your evidence at an arbitration hearing?

Yes

No

iii. Do you wish to waive an arbitration hearing and to submit your position and contentions in writing, together with exhibits, in lieu of a hearing?

Yes

No

iv. What is your preferred method of being contacted for this proceeding?

Email

Fax

Regular Mail

Signature of Petitioner

If completed electronically, checking this box constitutes your signature

Date: _____

Signature of Respondent

If completed electronically, checking this box constitutes your signature

Date: _____

I decline to participate for the following reasons:

Endnote:

FDRP Rule 15 reads, in pertinent part, as follows:

[D]ocuments and other tangible things upon which each party intends to rely either in his case-in-chief or in rebuttal must be produced to each panel member and to opposing parties (or to their attorneys if such have appeared) no later than 10 days before the hearing date. [Seen: Petitioner Respondent.]