

**CINCINNATI BAR ASSOCIATION
FEE ARBITRATION COMMITTEE
RULES AND PROCEEDURES**

The following rules for fee arbitration proceedings were duly adopted by the Board of Trustees of the Cincinnati Bar Association on September 15, 2010.

I. Composition, Jurisdiction and Duties

- A. The Fee Arbitration Committee shall be appointed by the Board of Trustees of the Cincinnati Bar Association for a term of one year, at the end of which membership will terminate unless the member is reappointed.
- B. The Fee Arbitration Committee of the Cincinnati Bar Association shall have primary, but not exclusive, responsibility for the disposition of fee disputes, not involving allegations of attorney misconduct, which come to the attention of the Committee or which are referred to it by the staff of the Cincinnati Bar Association.
- C. The Committee shall carry out its purpose clause prescribed by the Board, to wit:
 - To consider matters with respect to problems arising in disputes relating to professional fees, either between attorney and attorney or between client and attorney, and to arbitrate those disputes where parties have agreed to accept and abide by the decision of a panel of members of the committee sitting as arbitrators.
- D. The parties shall acknowledge, in writing, that they understand that the decision of the arbitration panel shall be binding upon each of them and that their right to appeal the decision of the arbitration panel is limited. The arbitration panel will follow Ohio Rules of Professional Conduct, Rule 1.5: Fees and Expenses, and all other standards applicable to the dispute.
- E. Because it is the intention of the Cincinnati Bar Association, in offering fee arbitration, to provide a service to the community, no minimum or maximum threshold has been set regarding the size of disputes which may be submitted to fee arbitration. However, members of the Fee Arbitration Committee shall not be obligated to serve, in regard to particular controversies, if the total time for the proceeding is expected to exceed four hours.
- F. Requests for mandatory arbitration of disputes between lawyers pursuant to Rule 1.5(f) may be referred to the Ohio State Bar Association for disposition.

II. Rules of Procedure

- A. Within fourteen days after receiving a new fee arbitration file, the staff of the Cincinnati Bar Association and the Chairperson of the Fee Arbitration Committee will appoint a three-member panel of attorneys from the Committee to hear the dispute and render an opinion. One member will be designated Chairperson of the panel.
- B. Within 14 days after the panel is notified of its appointment, the Panel Chair will set a date for the hearing and notify the panel members, the parties and the CBA staff of such hearing date.
- C. The hearing will be conducted within 60 days after the panel is notified of its appointment.
- D. At the hearing, the party who initiated the request for fee arbitration shall be permitted to first present all of the relevant facts which support that party's position; the other party or parties shall then be entitled to present all of the relevant facts which support their respective positions.
- E. All testimony shall be given under oath.
- F. The parties shall be permitted to use exhibits and testimony to assist them in the presentation of their case.
- G. All of the parties are entitled to be represented by counsel at the hearing; however, the nature of the hearing is such that a party is not at a disadvantage if that party is not represented by counsel.
- H. Within 30 days after the conclusion of a hearing, the panel chairman will reduce the panel's opinion to writing. The concurrence of any two panel members, including the panel chairman, as evidenced by their signatures on such opinion, shall be deemed to be the final opinion of the Fee Arbitration Committee concerning the matter in dispute. Nevertheless, individual panel members may file concurring or dissenting opinions.
- I. If either party that is unable to attend a hearing in person, one party or both parties may submit testimony and evidence in writing to the panel. Parties may also appear via phone conference.
- J. The Panel Chair will send a copy of the opinion to the CBA staff, who will promptly send such opinion to the parties and the Chairperson of the Fee Arbitration Committee.

K. The prevailing party in the arbitration shall be entitled to enforce the award of the arbitration panel in the Court of Common Pleas pursuant to Ohio Revised Code § 2711.09. Once an award in a fee arbitration proceeding is made, no appeal shall be taken except through Ohio Revised Code § 2711.10.