ALTERNATIVE DISPUTE RESOLUTION

If you have a dispute with a lawyer, mediation or arbitration may be a better alternative than going to court. Both can be faster and more efficient, and generally cost less than litigation.

Mediation

Mediation uses a third party (a mediator) to help you and the lawyer communicate and understand each other's concerns. Mediators do not take sides or make judgments. Instead, they focus on helping you and the lawyer identify possible solutions. Mediation is confidential.

Arbitration

Arbitration uses a third party (an arbitrator) to help you and the lawyer reach a binding decision. The arbitrator's award is final and can be enforced like a court judgment. There is generally no appeal from an arbitrator's award.

Dispute Resolution Centers

Washington has a number of Dispute Resolution Centers (DRC), which are generally private, non-profit organizations that offer low-cost mediation to anyone who lives or works in the community. Some city or county governments operate DRC. Visit www.resolutionwa.org for more information.

[Date]

Dear [name of lawyer]:

I am concerned about [a billing statement, amount of fee, amount of interest, fee payment schedule, other].

Please explain [how much of my fee has been used, how much I owe you, other] and [the following charges, other].

Please contact me at [phone number, fax number, email address, mailing address, other].

I know that we can consider arbitration or mediation, but I would prefer to resolve this with you directly.

Sincerely,

[your name]

Additional Resources

Although the Washington State Bar Association does not arbitrate or mediate disputes, the Alternative Dispute Resolution Section www.wsba-adr.org of the Washington State Bar Association has a directory of mediators and arbitrators. It also has information on the use of and best practices for alternative dispute resolution.

If Your Dispute Involves Legal Fees

It is important that you and your lawyer clearly understand the legal fees that the lawyer will charge you for his or her services. As with any contract, you should read your fee agreement carefully so you understand the contents before signing it. If you have a question about your bill, you should contact your lawyer to discuss it. Most lawyers will explain any charges you think are confusing or improper.

If your lawyer does not answer your questions, we suggest that you send your lawyer a letter. You might want to send the letter by return-receipt certified mail and keep a copy. Please see our sample — you do not need to include all parts, and you should make the letter fit your situation. With a letter, the lawyer has your concerns in writing so there is no misunderstanding, and your letter documents the problem.

If you feel that your lawyer acted unethically, you might consider filing a grievance. However, you should not expect us to discipline a lawyer to resolve a fee dispute, nor should you expect any reimbursement as a result of filing a grievance. Call us for forms or see www.wsba.org.



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