

## DISPUTE RESOLUTION SERVICES

### Background Issues

Unresolved complaints and disputes between lawyers and clients cause further deterioration of the public image of the legal profession. Many of these complaints involve poor service or disputes about fees.

Public service programs designed to assist with the resolution of complaints and disputes involving lawyers and clients are provided at no cost to the parties with the assistance of volunteer mediators, arbitrators, and facilitators. Some services are also available to assist with resolving complaints by lawyers concerning other lawyers. As a result, malpractice claims and formal disciplinary investigations may be avoided when complaints and disputes are resolved in a private, confidential setting and, thus, help improve the image of the legal profession generally.

The American Bar Association's Center for Professional Responsibility provides national leadership and vision in developing and interpreting standards and scholarly resources in legal ethics, professional regulation, professionalism and client protection.

The ABA House of Delegates adopted the ABA Model Rules for Fee Arbitration in 1995, although the rules have not been adopted in Missouri.

### Missouri Bar Activities

The Missouri Bar, the Bar Association of Metropolitan Bar Association, and the Kansas City Metropolitan Bar Association each offer fee dispute resolution services to lawyers and clients involved in a fee dispute.

Complaints of a less serious nature that have been filed with the Office of Chief Disciplinary Counsel may be referred to The Missouri Bar's Complaint Resolution Program per Supreme Court Rule 5.10.

**Fee Dispute Resolution Program.** The Missouri Bar's Fee Dispute Resolution Program offers lawyers and clients the opportunity to voluntarily resolve fee disputes in a confidential setting at no cost to the parties through mediation or binding arbitration. In some circumstances, attempts are made to informally resolve fee disputes through a facilitator. Both lawyers and non-lawyer professionals from throughout the state serve as volunteer mediators and arbitrators, and often work as teams in the resolution of fee disputes.

**Complaint Resolution Program.** Complaints about lawyers that the Office of Chief Disciplinary Counsel believes might best be resolved outside the formal disciplinary system are referred to the Complaint Resolution Program. The parties voluntarily agree to participate in a mediation-like meeting with a volunteer lawyer facilitator. In some circumstances, complaints made by a lawyer concerning another lawyer are also referred to this program. The parties participate voluntarily and are encouraged to bring all issues to the table while exploring a variety of options to amicably resolve the complaint.

Clients and lawyers alike benefit from the services of this program. For clients, the program provides an opportunity to participate in the process to achieve a speedy and meaningful remedy to their complaints. Lawyers benefit from a faster resolution and have a chance to actively participate in the process of resolving the complaint against them outside of the formal disciplinary system.