

MSBA Bylaws Article VII. Committees

Section 11.

A Committee on Resolution of Fee Disputes shall consist of at least thirty members, not less than five from each Appellate Circuit, approximately one-third of whom shall be appointed annually by the President to serve for a term of three years or until their successors are appointed. It shall be the duty of this Committee to take jurisdiction (except as hereinafter provided) over any disagreement concerning any fee paid, charged, or claimed for legal services rendered by any attorney admitted to practice in this State which is submitted to the Committee by the person, firm or organization allegedly liable for the payment of the fee in dispute. It shall be the duty of the Committee to encourage the amicable resolution of fee disputes falling within its jurisdiction, and, in the event such resolution is not achieved to arbitrate and determine such disputes. The committee shall discharge its duties in accordance with Regulations promulgated by the Board of Governors which:

(a) are not inconsistent with these Bylaws;

(b) include a provision that in the event an attorney fails or refuses to consent to arbitration, the arbitration panel to which the matter is assigned shall proceed to conduct an ex parte hearing, and , if it finds that the complainant's allegations are justified, shall direct an assigned member of the Committee to represent the complainant either to institute suit for the refund portion of the fee paid and determined excessive or to resist any suit by the attorney seeking to collect any portion of the fee not yet paid and determined to be excessive; and

(c) provide that all records relative to the arbitration of any fee dispute, including the award itself, shall be kept confidential except as otherwise provided by law. The Committee shall decline to exercise jurisdiction of any fee dispute which is within the jurisdiction of any local bar association (as defined in Maryland Rule BV1.b) that annually files with the Executive Director a certification that it has established a procedure for the arbitration of fee disputes involving attorneys who practice within its jurisdictional boundaries pursuant to written rules that (i) conform to the requirements of subsection (b) above, except that such conformity shall not be required for the plans of Baltimore City, Baltimore County, Montgomery County and Prince George's County Bar Associations, (ii) define the scope of their jurisdiction, and (iii) provide the name and address of the representatives of the local bar association to whom any complaint is to be forwarded.