

# Practical Tips and Considerations for Successful Mediations and Arbitrations

August 21, 2024

1 Ethics CLE hour



3100 W. Charleston Blvd., Ste. 100 Las Vegas, NV 89102

702-382-2200

9456 Double R Blvd. Suite B Reno, NV 89521

775-329-4100



**Alex LeVeque** – is the managing partner of the firm, where he focuses his practice on trust/estate, real property and appellate litigation. Alex regularly advises businesses and individuals (foreign and domestic) in complex disputes ranging from breach of contract and fiduciary duty claims to fraud and embezzlement. He has successfully litigated numerous multi-million-dollar disputes and consistently obtains favorable settlements for his clients.

Alex has also successfully tried several jury and bench trials in Nevada state courts and has prevailed in several appeals to the Supreme Court of Nevada. More recently, Alex has been actively engaged in the expanding area of domestic asset protection (Spendthrift) trust litigation and decanting litigation.

Alex is an AV rated attorney by Martindale-Hubbell, has been named annually to the Super Lawyers Mountain States since 2016, is included in Best Lawyers in America for Trusts and Estate Litigation, and is a Fellow of the Litigation Counsel of America – a close-knit, peer-selected and aggressively diverse honorary society of the best trial attorneys in the United States.

He presently serves as Regional Chair of the State Bar of Nevada's Fee Dispute Committee and is active in the Probate and Trust Section of the State Bar of Nevada.



Karen Hanks – was born and raised in Pasadena, Maryland, a small suburb located near Baltimore. She attended college at the University of Maryland Baltimore County. After completing her undergraduate degree, she attended law school at Syracuse University where she graduated magna cum laude.

In 2005, Ms. Hanks was admitted to the Nevada bar. She has practiced in areas of business litigation, wills and trusts, probate, guardianship, immigration, real estate, civil appeals, and personal injury on both the plaintiff and defense side. Currently her area of practice focuses on real property law, contract disputes and appellate work.

Ms. Hanks is a seasoned trial and appellate attorney. She has argued at both the Ninth Circuit and Nevada Supreme Court numerous times. Her most notable trial resulted in a \$4.2 million jury verdict in favor of her client in a wrongful death/negligence case.

Ms. Hanks is also committed to giving back to the community and regularly accepts pro bono cases. She serves as a TIP Mentor: a mentor program for newly admitted Nevada attorneys. She has served in that role since 2013. She is an arbitrator/mediator for the State Bar Fee Dispute Committee (term March 2020 - present) and has also served as a mediator for the Nevada Supreme Court Eviction Mediation Program. She holds a mediation certificate. She regularly speaks for continuing legal education courses.





**Stephanie Zinna** – is a 2009 graduate of the William S. Boyd School of Law, University of Nevada Las Vegas. Prior to law school, Stephanie attended St. Louis University where she graduated, cum laude, with a Bachelor's of Arts degree in English. Stephanie was also an invited member of the English Honor Society Sigma Tau Delta. Upon graduating from law school, Stephanie served as the law clerk to the Honorable Kathy Hardcastle (Ret.). A shareholder in the firm, Stephanie has practiced in an array of civil matters, including professional negligence, products liability, premises liability, medical and dental board matters, and general insurance defense.



**Royi Moas** – is a partner in the litigation department of Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP, in Las Vegas, Nevada. Mr. Moas is an AV rated attorney, and a member of the State Bar of Nevada and State Bar of California. His practice is focused on litigation with an emphasis on civil, commercial and class action litigation, personal injury, wrongful death, premise liability, real estate matters, wage & hour disputes, construction defect matters and representation of creditors. Mr. Moas also represents numerous small and medium sized businesses in contractual and administrative matters.

# Practical Tips and Considerations for Successful Mediations and Arbitrations

Presented by the State Bar of Nevada's  
Fee Dispute Arbitration Program



# Speakers

## ALEX LEVEQUE

Fee Dispute Committee State Chair

Solomon Dwiggin Freer & Steadman, Ltd  
(702) 853-5483  
aleveque@sdfnlaw.com

## KAREN HANKS

Fee Dispute Committee Regional Chair

Hanks Law Group  
(702) 758-8434  
karen@hankslg.com

## ROYI MOAS

Fee Dispute Committee Regional Chair

Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP  
(702) 341-5200  
rmoas@wrslawyers.com

## STEPHANIE ZINNA

Fee Dispute Committee Regional Chair

Olson Cannon Gormley  
702-384-4012  
szinna@ocgattorneys.com



# Welcome Remarks

## Alex LeVeque

- When the proverbial “haircut” won’t cut it.
- JDX – what we can and cannot do.
- The FDC structure.
- Questions can be posted at the bottom of the screen throughout the session, they will be answered during the Q&A portion.



# The Mediation Process

## Karen Hanks





# Fee Dispute Program Rules

- Mediation: process by which the petitioner and respondent work with a mediator and use consensus and agreement to resolve the fee dispute. Rule I.B
- No jurisdiction: claims for affirmative relief against attorney for malpractice or professional misconduct. Rule III.C
- If Respondent attorney fails or refuses to sign the binding arbitration agreement, the matter goes to mandatory mediation. Rule IV.B.1



# Fee Dispute Program Rules

- Obligation to show up and participate in good faith. Failure will result in a report from the mediator, which is admissible in any subsequent action. Rule IV.B.1
- The mediator shall, within fourteen (14) days, provide notice of the scheduled date and time of the mediation. The date, time, and location of the mediation is at the discretion of the mediator. The mediation shall be conducted within thirty (30) days; however, the mediator may grant a continuance for good cause. Rule VI.C



The mediator shall notify the State Bar of the outcome of the mediation.

1. If the mediation is successful, the State Bar will inform the parties that the matter is closed. The State Bar will also provide the Petitioner the opportunity to re-open the fee dispute in the event the Respondent does not comply with the mediation agreement.
2. If the Mandatory Mediation is unsuccessful, the parties are informed by the State Bar and the matter is closed. No arbitration will occur.
3. If Voluntary Mediation is unsuccessful and both parties have signed a binding arbitration agreement, the dispute will move onto arbitration.



# Helpful Mediation Tips & Techniques

## Panel Commentary





# Mandatory/Voluntary Mediation Rules

## Stephanie Zinna





# Mandatory Mediation – When Required

## OLD RULE

All disputes \$5,000 or less subject to mandatory mediation.

## NEW RULE

If the responding party does not consent or is not obligated to submit to binding arbitration, matter is subject to mandatory mediation.



# Mandatory Mediation – Effect on Arbitrations

## OLD RULE

Parties may petition to resolve matter directly to arbitration.

## NEW RULE

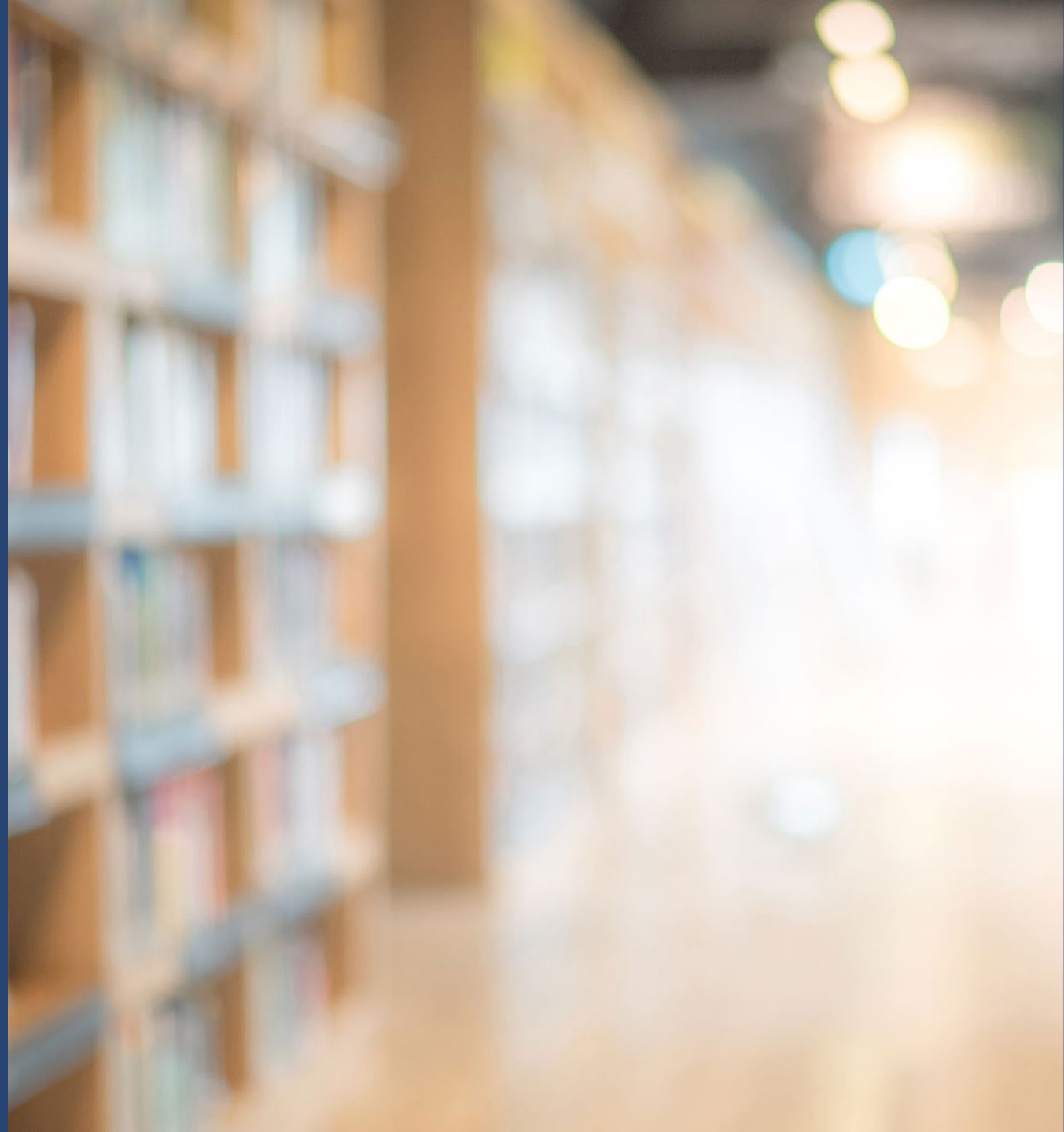
Without a binding arbitration agreement, outcome of the mediation ends Fee Dispute Committee involvement.

No arbitrations for matters subject to mandatory mediation.



# Mandatory Mediation Participation

- Parties **MUST** participate in good faith.
- Mediator sends correspondence to parties to indicate procedure and good faith requirement.
- Statements made by party during mediation are not admissible in subsequent actions.



# Mandatory Mediation – Good Faith Examples:

- Failure to communicate with mediator.
- Failure to attend.
- Failure to present justification for position or hamper process.



# Mandatory Mediation – Good Faith Consequences:

- Mediator may write a report of bad faith, which is admissible in subsequent actions involving the parties.
- Failure of an attorney to participate in good faith may result in a referral to the Office of Bar Counsel.





# Voluntary Mediation – When Required:

## OLD RULE

Parties may request mediation, with the option to proceed to arbitration thereafter if unsuccessful.

## NEW RULE

Parties may request mediation. If both parties have signed a binding arbitration agreement prior to the request, the parties may proceed to arbitration if mediation is unsuccessful.



# Voluntary Mediation - Good Faith

- Parties are still required to mediate in good faith, even if there is a binding arbitration agreement.
- Report of good faith may be prepared by mediator, and is admissible in subsequent arbitration proceedings



# The Arbitration Process

Royi Moas





# The Arbitration Process

- Jurisdiction / Agreement to Arbitrate
- Assignment to Regional Panel Chair
- Conflict Check / Case Assignment to Single Arbitrator or Panel Chair
- Reviewing the Case/Materials
- Pre-Arbitration Orders / Notice
- The Arbitration Hearing (A Template)
- How to Write the Arbitration Award/Denial



# The Assignment Letter



*Law Offices Of*  
**OLSON, CANNON, GORMLEY  
ANGULO & STOBERSKI**  
*A Professional Corporation*

James R. Olson  
Walter R. Cannon  
John E. Gormley  
Michael E. Stoberski  
Thomas D. Dillard, Jr.  
Max E. Corrick, II  
Felicja Galati  
Michael A. Federico

9950 West Cheyenne Avenue  
Las Vegas, Nevada 89129  
Telephone (702) 384-4012

Fax (702) 383-0701  
Fax (702) 383-0723

[www.ocgas.com](http://www.ocgas.com)

November 20, 2019

Brandon P. Smith  
Stephanie M. Zinna  
Michael T. McLoughlin  
Xheni Ristani

*Of Counsel*

Richard E. Desrosseaux (Ret)  
Stephanie A. Barker

WRITER'S EMAIL ADDRESS:

Sunethra Muralidhara, Esq.  
Wright Stanish & Winckler  
300 South Fourth Street, Suite 701  
Las Vegas, Nevada 89101  
*Sent via email only: [smuralidhara@wmlawlv.com](mailto:smuralidhara@wmlawlv.com); [smuralid23@gmail.com](mailto:smuralid23@gmail.com)*

**Re: Fee Dispute No. 19-076;** [REDACTED]

Dear Panel Chair:

This letter is to advise you that the above-referenced fee dispute has been assigned to you as chairperson of a three-member arbitration panel. The other members of your panel are:

1. **Debra Spinelli, Esq.**  
**Pasanelli Bice**  
**400 S. Seventh Street, Suite 300**  
**Las Vegas, Nevada 89101**  
**(702) 214-2110**  
**[dls@pisanellibice.com](mailto:dls@pisanellibice.com)**

2. **Susan Krenzien**



# Case Materials



## STATE BAR OF NEVADA

November 15, 2019

To: Stephanie M. Zinna (via email only)  
Regional Chair

From: Cathi Britz  
Client Protection Coordinator

RE: Fee Dispute No. FD19-07 [REDACTED] h

Enclosed please find our completed file on the above-referenced matter which includes:

- ☒ Petitioner's Agreement for Arbitration of Fee Dispute **with/without** attachments
- ☐ Petitioner's Waiver of Personal Appearance at Hearing
- ☒ Initial letters advising parties of initiation of fee dispute
- ☒ Respondent's Agreement for Arbitration of Fee Dispute **with/without** attachments
- ☐ Respondent's Waiver of Personal Appearance at Hearing
- ☒ Letters advising Petitioner and Respondent of referral to Regional Chair
- ☒ Other – Arbitration Option Chosen Only

Please assign this file to an arbitrator, or an arbitration panel, at your earliest convenience. Also, to assist us in maintaining our records, please provide us with the name(s) of the attorney handling the arbitration and the date the claim was assigned. We will calendar this matter for 45 days.

Enclosures

3100 W. Chade  
Las Vegas, NV 89  
phone 702.382.22  
toll free 800.254.2  
fax 702.385.2878

9456 Double R B  
Reno, NV 89521-  
phone 775.329.41  
fax 775.329.0522

[www.nvbar.org](http://www.nvbar.org)

# Respondent's Agreement

**RESPONDENT'S AGREEMENT FOR  
ARBITRATION OF FEE DISPUTE**

**State Bar of Nevada**

---

IN PROCEEDINGS BEFORE THE FEE DISPUTE COMMITTEE  
OF THE STATE BAR OF NEVADA

---

3100 W. Charleston Blvd., Ste. 100 | Las Vegas | Nevada | 89102

Petitioner: _____ v. Respondent: _____	)	Claim Number: <u>19-076</u>
--	---	-----------------------------

The undersigned Respondent agrees and acknowledges that:

1. I am the Respondent in the above-titled Petition for Arbitration of Fee Dispute.
2. I have received a copy of the original Petition and a copy of the Fee Dispute Arbitration Committee Rules of Procedure.
3. The total amount of legal fees charged was: \$48,235.
4. The total amount in dispute is: \$16,812.72.
5. The following is a brief statement of facts giving rise to the claim. (Attach a separate page if necessary):

The firm is seeking a judgment against Mr. London for the full amount of fees owed, \$16,812.72, together with any interest \_\_\_\_\_ contracted in the retainer agreement. The firm is also requesting attorney's fees should the firm hire counsel to represent it.

**7. I attest/acknowledge that:**

- ☒ This matter is not one which has previously been adjudicated or otherwise disposed of by a Court.
- ☒ This fee dispute may be heard and decided by the Fee Dispute Arbitration Committee of the State Bar of Nevada in accordance with its prescribed rules.
- ☒ I consent to e-service of all fee dispute related correspondence at either my email address, or if represented by counsel, at his/her SCR 79 email address on file with the State Bar of Nevada.

**I agree with the nature of this proceeding is as follows (check which one applies):**

- ☒ The arbitration award to be made in this matter shall be final and binding upon me and I will comply with its terms.
- ☐ I do not agree to submit to binding arbitration in this matter. However, I do agree and acknowledge that I must and will participate in good faith in Mandatory Mediation identified in Section V of the Rules of Procedure.
- ☒ A court having jurisdiction may enter a judgment upon the award.

**8. If you and the Petitioner have a contractual agreement to resolve fee disputes through arbitration, your claim will automatically proceed to arbitration. (Check all that apply):**

- ☐ I have a contractual agreement to resolve the fee dispute through arbitration.
- ☐ I am willing to resolve the matter through mediation first, with the understanding that if mediation fails, the matter will proceed to arbitration.

\_\_\_\_\_  
Signature of Respondent

9/16/2019  
Date

**Appearance of Counsel**

*The undersigned hereby appears for the Respondent in the above-captioned arbitration as counsel of record.*

Name: \_\_\_\_\_

Bar Number: \_\_\_\_\_



# Petitioner's Agreement

## PETITIONER'S AGREEMENT FOR ARBITRATION OF FEE DISPUTE

IN PROCEEDINGS BEFORE THE FEE DISPUTE COMMITTEE  
OF THE STATE BAR OF NEVADA

3100 W. Charleston Blvd., Ste. 100 | Las Vegas | Nevada | 89102

Received By  
JUL 19 2019  
State Bar of Nevada

Petitioner:

[Redacted]

v.

Respondent:

[Redacted]

19-076  
7.23.19

The undersigned Petitioner hereby petitions the State Bar of Nevada Fee Dispute Arbitration Committee and agrees as follows:

1. [Redacted], whose address is: [Redacted]
2. City: Las Vegas, State: NV Zip: 89113 hereby request resolution of the fee dispute between myself and Respondent, [Redacted], whose address is: [Redacted] City: Henderson, State: NV Zip: 89074.
3. My contact information:  
Primary Telephone: [Redacted] Alternate Telephone: [Redacted]  
Email Address: [Redacted]  
☐ I consent to electronic service of all fee dispute related communications to my email or if represented by counsel at his/her SCR 79 email address on file with the State Bar of Nevada
4. The total amount of legal fees charged was: 17028.53.
5. The total amount in dispute is: 17028.53.
6. The following is a brief statement of facts giving rise to the claim. (Attach a separate page if necessary):

I reached out to Radford J Smith and had copied a few other people at his law firm with no response. His response is attached, but its a lien. He has made no attempt to work amicably on this. He is holding all files hostages and will not release them to my new attorney. I feel this was done intentionally as he did want to work for free anymore and demanded payment. He knew of the situation he was putting me in.

- ☒ This matter is not one which has previously been adjudicated or otherwise disposed of by a Court.  
☐ There is not a lien pending in court with respect to attorney's fees associated with this claim.  
☒ I have not filed for bankruptcy and/or do not have a bankruptcy matter pending.
- ☒ This matter is not one which has been finally decided by a court.
- ☒ My right to be represented at my own expense by an attorney of law at the hearing or at any stage of the arbitration.
- ☒ This fee dispute may be heard and decided by the Fee Dispute Arbitration Committee of the State Bar of Nevada in accordance with its prescribed rules.
- ☒ The Arbitration Award to be made in this matter shall be final and binding upon me and I will comply with its terms.
- ☒ A court having jurisdiction may enter a judgment upon the award.
- ☒ I understand that my claim may be forwarded to a mediator selected by the Fee Dispute Arbitration Committee as a means of resolution. If the claim is not resolved through mediation, and the Respondent does not sign a binding arbitration agreement, this will end my participation in the Fee Dispute Arbitration program.
8. If you and your attorney have a contractual agreement to resolve fee disputes through arbitration, your claim will automatically proceed to arbitration. (Check all that apply):
- ☐ I have a contractual agreement to resolve the fee dispute through arbitration.  
☒ I am willing to resolve the matter through mediation first, with the understanding that if mediation fails, the matter will proceed to arbitration.

Signature of Petitioner

7/19/2019

Date

### Appearance of Counsel

The undersigned hereby appears for the Petitioner in the above-captioned arbitration as counsel of record.

Name: \_\_\_\_\_

Bar Number: \_\_\_\_\_

Counsel's Signature: \_\_\_\_\_



# Additional Materials Commonly Provided by Parties:

- Invoices.
- Attorney-Client Fee Agreement.
- Emails discussing the Scope of Representation.
- Emails/Correspondences discussing work completed during the representation.



# The Importance of the Notice of Arbitration Hearing:

- Confirm Date, Time, and Location
- Identify Arbitrator
- Set Deadline to Supplement
- Reference Rules
- Court Report Reminded
- Example: The Arbitration will be conducted in compliance with the Rules of Procedure for the Fee Dispute Committee of the State Bar of Nevada. The parties to the Arbitration are entitled to be heard, to present evidence and to cross-examine witnesses appearing at the Arbitration Hearing. Any party has the right to be represented by an attorney at the hearing or at any stage of the Arbitration proceeding. Any party may have the hearing reported by a certified court reporter at the parties expense by written request presented to the undersigned at least three (3) days prior to the date of the hearing. In the event of such request, any other party to the Arbitration shall be entitled to acquire at their own expense a copy of the reporter's transcript of the testimony by arrangements made directly with the reporter. The party retaining the reporter shall provide one (1) copy of the transcript to the Arbitrator. In addition to the statements and responsive pleadings previously submitted, any additional evidence upon which you intend to rely including the names of all witnesses shall be provided to the Arbitrator no later than \_\_\_\_\_.





# The Importance of a Pre-Arbitration Order

- To establish the parameters of the Fee Dispute
- To reiterate the most important rules that the parties must abide by—including setting deadlines

\*\* Sample provide upon request to SBN staff \*\*



# The Day of the Arbitration

- Wait until both parties arrive in the common area before inviting them back to the conference room
- Set up the conference room in a manner that allows for a clear division between the parties, arbitrators, witnesses (if any), and court reporter (if hired by one of the parties)
- Personal Preference: Conduct the Arbitration as a formal proceeding as if it is being recorded/transcribed



# Outline Example For Arbitration Hearing

## OUTLINE FOR ARBITRATION HEARING

- Now is the date/time set for the Arbitration hearing—**PETITIONER V. RESPONDENT**  
Fee Dispute No. **XX-XXXX**

It is **DATE**. The 3-person panel consisting of Chairperson, **NAME**, and fellow arbitrators **NAME 2, and NAME 3** now preside along with **Petitioner NAME and Respondent NAME**. We are sitting at **LOCATION** [the State Bar of Nevada located at 3100 W. Charleston Blvd. Las Vegas, NV 89102.]

The panel members have reviewed and can confirm that each do not have any conflicts of interest in this case.

- Before we get started, the Panel has some preliminary remarks:
  - This is a dispute between a client and an attorney concerning the fee paid, charged or claimed for legal services rendered by an attorney licensed to practice law in this state or practicing in this state pursuant to Supreme Court Rule 42. **There exists a contract establishing an attorney/client relationship between the parties. The amount in controversy is more than \$10,000.**
  - Both parties have executed binding arbitration agreements
  - All documentation provided has been admitted into evidence. To summarize:

### [EXAMPLE OF A DISCOVERY/DOCUMENT SUMMARY]

- Original agreements to participate in Arbitration from both parties. Each party attached a written statement.
- **Mr. Petitioner** attached 1 page of emails and the notice of lien for attorney's fees filed in the family division case no. D-13-XXXXXX-C
- Before the close of discovery, **Respondent** provided



# The Arbitration Hearing: Steps to Keeping on Track

Stephanie Zinna



# Planning for the Arbitration

1.

Prepare for  
the case.

2.

Review the  
materials.

3.

Be familiar with  
issues and aware  
of unrelated  
grievances.



# Introduction at Arbitration

- Provide overview of process.
- Give a summary of issues to be addressed.
- Admonitions to parties re: rules, civility, issues.
- Provide a clear objective
- Give time limits







# Opening Remarks

Can request opening remarks to get a sense of what the parties intend to emphasize vs. actual issues.



# Case Presentation

- Exclude witnesses, if necessary.
- Ask pointed and direct questions to keep matter on track.
- If parties are examining, ensure questions are relevant and proper.



# Getting Back on Track

---

- Matters are often emotionally charged.
- Admonish parties to keep on track.
- Ask direct questions to redirect them to pertinent topics.



# Take a Break

---

If you cannot get the parties to focus, take a break.

- After the break, you can revisit opening remarks regarding staying on topic.
- Enforce time limits.



# Writing the Arbitration Decision

Royi Moas



# Writing The Decision and/or Award

Section X of the Rules of Procedure.

- Template is provided in your materials and can be requested from SBN staff or your Regional Chair, also available on the SBN website.
- It is Pre-Formatted in the style, manner, and general content that must be included.
  - Please keep the formatting as provided.
  - Created to assist in a plug and chug of information.





# Key Parts of the Decision and/or Award

1. Jurisdiction
2. Identification of the Parties
3. Execution of Arbitration Agreements
4. Nature of Dispute
5. Identification of Arbitrator(s)
6. Date and Place of Arbitration
7. Notice of Hearing
8. Appearances at the Hearing
9. Report of Hearing
10. Witnesses
11. Other Evidence
12. Inquiry Concerning Further Evidence
13. Findings
14. Decision and/or Award
15. Right to Appeal (pre-written language)



# Importance of Findings Section

The burden of proof is on the attorney to prove the reasonableness of a fee by a preponderance of the evidence utilizing the standard set forth in NRPC 1.5. State Bar of Nevada Dispute Arbitration Committee Rule of Procedure VII(E).

NRPC 1.5(a) prohibits an attorney from making an agreement for, charging, or collecting unreasonable fees or unreasonable amounts for expenses. The rule sets forth eight factors to be considered in determining reasonableness of a fee, including:

- (1) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- (2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
- (3) The fee customarily charged in the locality for similar legal services; (4) The amount involved and the results obtained;
- (5) The time limitations imposed by the client or by the circumstances;
- (6) The nature and length of the professional relationship with the client;
- (7) The experience, reputation, and ability of the lawyer or lawyers performing the services; and
- (8) Whether the fee is fixed or contingent.



# During the Arbitration:

## Best questions to ask Respondent?

- Review the NRPC—1.5.
- Review invoices and its reasonableness.
- Avoid questions about legal strategy and decisions or any ethical concerns Petitioner brings up (i.e. communication, due diligence, etc...)



# During the Arbitration:

## Best questions to ask Petitioner?

- Petitioner's level of education and other background information (age, experience, work history).
- Petitioner's experience with attorneys and in what capacity.
- How Petitioner found this particular attorney and how they communicated.
- Petitioner's understanding of the fee dispute agreement and certain provisions.
- Petitioner's review of invoices.
- Process for raising billing issues/grievances.
- Whether there were any prior billing disputes that were resolved amicably.



# The Decision and Award:

If you are going to award money to either Petitioner or Respondent:

- How much?
- Will interest be accruing?
- Payment plan v. pay in full
- How long will the party have to make payment?



# The Appeal Process

## Alex LeVeque





# Appeal Consideration Jurisdiction

- Limited JDX (Rules of Procedure, Section XIII)
  1. Arbitrator failed to be disqualified under Section IX (bias)
  2. Failure of FDC to “substantially and materially” comply with the procedural requirements of the Rules of Procedure.
  3. Actual fraud on the party of any arbitrator.

**\*\*\* No appeals on the merits of the arbitration decision\*\*\***



# Notice of Appeals

- Notice of Appeal MUST include:
  - Signed statement of the grounds for appeal
  - Affidavit or signed statement setting forth factual basis
  - State whether proceedings were reported
  - Served on other party
- Notice of Appeal imposes an automatic stay of execution on award.
- State Chair reviews appeal for procedural compliance. Defective appeals “shall” be dismissed.



# Procedurally Compliant Appeals

- If Notice of Appeal is timely (33 days), and State Chair determines that it is procedurally compliant with the Rules, Executive Council decides appeal.
  - Discretion to hold a hearing (telephonically or in person)
- REMEDIES
  - Remand for a new or supplemental arbitration hearing.
  - Adjudicate the dispute.
  - EC's decision shall be written and becomes final upon service by FCM.
- NSCR 84.12
  - “There shall be a right to de novo review in the district court of all awards arising out of any fee dispute[.]”



# Committee Q & A's / Finishing Remarks

## Alex LeVeque

- Q&A Time! Post your questions in the Q&A section!
- Please use us as a resource.
- Observing mediations/arbitrations.
- New Fee Dispute Committee Members Needed! Please spread the word to attorney colleagues & lay member professionals that applications are now being accepted, apply at [nvbar.org](http://nvbar.org). Applicants will be considered by the Board of Governors on 11/12/24. Thank You for your referrals!



IN THE PROCEEDINGS BEFORE THE  
FEE DISPUTE ARBITRATION COMMITTEE  
OF THE STATE OF NEVADA

PETITIONER

FD: #

v.

Date Filed:

RESPONDENT

ARBITRATION DECISION

1. Jurisdiction. This is a dispute between a client and an attorney concerning the fee paid, charged or claimed for legal services rendered by an attorney licensed to practice law in this state or practicing in this state pursuant to Supreme Court Rule 42. There exists a contract establishing an attorney/client relationship between the parties. The amount in controversy is **more than/less than** \$10,000.

2. Identification of the Parties. The name(s) of the Petitioner is \_\_\_\_\_, whose address is \_\_\_\_\_, The name(s) of the Respondent **is(are)** \_\_\_\_\_, whose address is \_\_\_\_\_.

3. Execution of Arbitration Agreements. Both Petitioner and Respondent have executed binding arbitration agreements.

4. Nature of Dispute. (Insert a brief description stating the facts concerning the nature of the dispute between the parties.)

5. Arbitrator. This dispute was arbitrated by \_\_\_\_\_, whose address is \_\_\_\_\_.

6. Date and Place of Arbitration Hearing. An arbitration hearing was held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at the offices of \_\_\_\_\_, whose address is \_\_\_\_\_.

7. Notice of Hearing. A Notice of Arbitration Hearing of Fee Dispute was duly served by **mail or email** on both parties.

8. Appearances at Hearing. The following persons appeared at the Arbitration Hearing: (Give details of who appeared at hearing.)





1           9.     Report of Hearing. (If either party or the Arbitrator arranged for the hearing to be  
2 reported, give the details of who requested and reported the hearing.)

3           10.   Witnesses. The following witnesses testified under oath administered by the  
4 Arbitrator:  
5

6           11.   Other Evidence. In addition to the sworn testimony of the witnesses listed above, the  
7 Arbitrator also considered the following documents and other evidence:

8           12.   Inquiry Concerning Further Evidence. At the close of the hearing, Arbitrator specifically  
9 inquired of the parties whether they had any further evidence to submit in whatever form. Neither party  
10 indicated that they had further evidence to offer and accordingly the Arbitrator declared the hearing closed.

11           13.   Findings. Arbitrator's findings (be as clear as possible):

12           14.   Decision and/or Award. Arbitration decision and award (be as clear and detailed as  
13 possible).  
14

15           15.   Appeal. This arbitration decision is a final decision. Appeals of the decision are governed  
16 by Section XIII.B of the Rules of Procedure and are limited to the grounds set forth therein. Any appeal must  
17 be filed with the Las Vegas office of the State Bar of Nevada within thirty-three (33) days of service of this  
18 Decision.

19  
20                               DATED this \_\_\_\_ day of \_\_\_\_, 20 \_\_\_\_.

21  
22  
23                               \_\_\_\_\_  
24                               ARBITRATOR  
25                               Address  
26                               City, State Zip  
27                               Phone No.  
28                                 
(add more lines for the co-arbitrators)