

Attorney Client Fee Dispute
Resolution Program

2024 ANNUAL REPORT

to the Administrative Board
of the New York State Courts



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Introduction

The Unified Court System, Office of Court Administration, Division of Alternative Dispute Resolution (ADR Division) administers the New York State Fee Dispute Resolution Program (FDRP). The Board of Governors guides the administration of the Program with the goal of ensuring that attorneys and clients have access to cost-effective, high-quality methods of resolving fee disputes.

All lawyers admitted to practice in New York State are required to comply with the Program, which is contained in Part 137 of the Rules of the Chief Administrative Judge. For any fee dispute between a lawyer and client that falls within the jurisdiction of Part 137, the lawyer is required to participate if the client chooses to pursue resolution of the dispute through the Program.

The Board of Governors monitors local programs across New York State and, in consultation with the ADR Division, supports their efficient operation by overseeing volunteer arbitrator training and approvals, promoting the Program, and responding to substantive and operational inquiries from local program staff, attorneys, and clients.

The Board regularly reviews questions arising under Part 137 of the Rules of the Chief Administrative Judge and the Board's Standards and Guidelines to promote consistent practices where appropriate. The Board also reviews the UCS website for the Program to ensure that parties and local programs have access to the information and forms they need.

Board Membership

The Board is co-chaired by Robin S. Abramowitz, Esq. and Gene A. Johnson, Jr.

Ms. Abramowitz and Mr. Johnson first joined the Board in 2007 and were appointed Co-Chairs of the Board by Chief Judge Rowan D. Wilson on October 17, 2024.

In addition to Ms. Abramowitz and Mr. Johnson, the following members continued to serve on the Board of Governors throughout 2024: Simeon H. Baum, Esq.; Susan L. Bender, Esq.; Kris Campbell; Matthew F. Didora, Esq.; William J. Dockery, Esq.; David McNamara, Esq.; Shari Jo Reich, Esq.; David Richardson; Hon. Kris Singh; and Abigail A. Wickham, Esq.

The following members joined the Board of Governors in 2024: Lewis M. Bernstein (appointed by Chief Judge Rowan D. Wilson); Teresa G. Donnellan, Esq. (appointed by the Honorable Elizabeth A. Garry, Presiding Justice, Third Department); and Kathleen Horton (appointed by the Honorable Dianne T. Renwick, Presiding Justice, First Department).

The following members left the Board of Governors in 2024: former Chair Martha E. Gifford, Esq.; Eleanor M. DeCoursey, Esq.; Maurice Q. Robinson, Esq.; and Dee Rabady.

Appointments to the Board

As of December 31, 2024

Member	Appointment
Robin S. Abramowitz, Esq, Co-Chair	Hon. Hector D. LaSalle, Presiding Justice, Second Department ¹
Gene A. Johnson, Jr., Co-Chair	Hon. Rowan D. Wilson, Chief Judge ²
Simeon H. Baum, Esq.	Hon. Janet DiFiore, Chief Judge ³
Susan L. Bender, Esq.	Hon. Peter Tom, Acting Presiding Justice, First Department
Lewis M. Bernstein	Hon. Rowan D. Wilson, Chief Judge
Kris Campbell	Hon. Elizabeth A. Garry, Presiding Justice, Third Department
Matthew F. Didora, Esq.	Hon. Hector D. LaSalle, Presiding Justice, Second Department
William J. Dockery, Esq.	Hon. Peter Tom, Acting Presiding Justice, First Department ⁴
Teresa G. Donnellan, Esq.	Hon. Elizabeth A. Garry, Presiding Justice, Third Department
Kathleen Horton	Hon. Dianne T. Renwick, Presiding Justice, First Department
David McNamara, Esq.	Hon. Gerald J. Whalen, Presiding Justice, Fourth Department
Shari Jo Reich, Esq.	Hon. Gerald J. Whalen, Presiding Justice, Fourth Department
David Richardson	Hon. Gerald J. Whalen, Presiding Justice, Fourth Department
Hon. Kris Singh	Hon. Elizabeth A. Garry, Presiding Justice, Third Department
Abigail A. Wickham, Esq.	Hon. Janet DiFiore, Chief Judge ⁵
Vacant (Attorney)	Chief Judge
Vacant (Attorney)	Chief Judge
Vacant (Public)	Presiding Justice, Second Department

¹ Designated Co-Chair by Chief Judge Rowan Wilson; Initial appointment by Hon. Randell Eng., Presiding Justice, Second Department

² Initial appointment by Hon. Judith Kaye, Chief Judge

³ Initial Appointment by Hon. Jonathan Lippman, Chief Judge

⁴ Initial Appointment by Hon. Joseph P. Sullivan, Presiding Justice, First Department

⁵ Initial Appointment by Presiding Justice A. Gail Prudenti

Caseload Data

January–December 2024

In 2024, the number of cases disposed through the FDRP remained relatively flat compared with numbers reported in recent years following the COVID-19 pandemic; however, these numbers are notably lower than the pre-pandemic caseload dispositions.

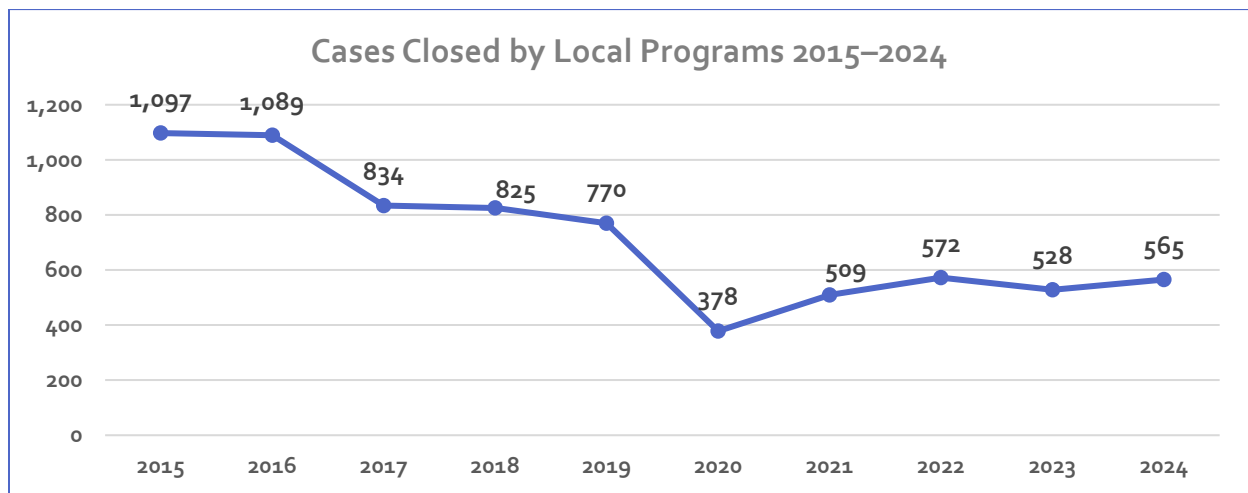


Local programs closed 565 cases in an average of 38 weeks during 2024. Local program administrators continued to schedule remote hearings, offering flexibility to neutrals, parties, and their counsel.

Information about each local program’s caseload can be found in Appendix A (Caseload Data – Statewide and by Local Program) on page 15.

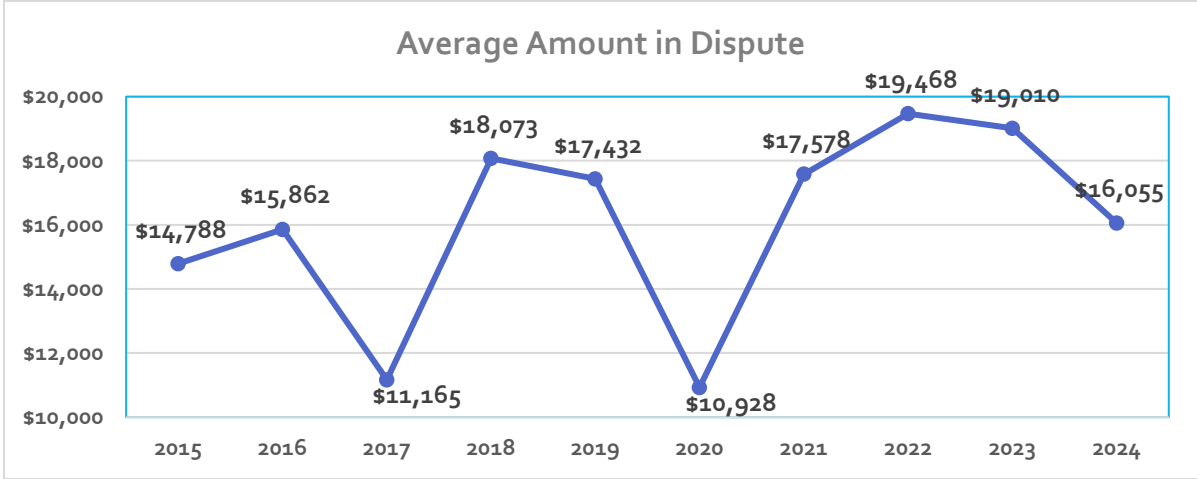
Cases Closed

During 2024, local programs closed 565 cases, which is a 7% increase in the number of cases closed in 2023. The graph below depicts annual caseload closure data from the last 10 years.



Average Amount in Dispute

The average amount in dispute decreased by 16% from 2023.



Disposition Information

In 2024, of the 565 cases that closed:

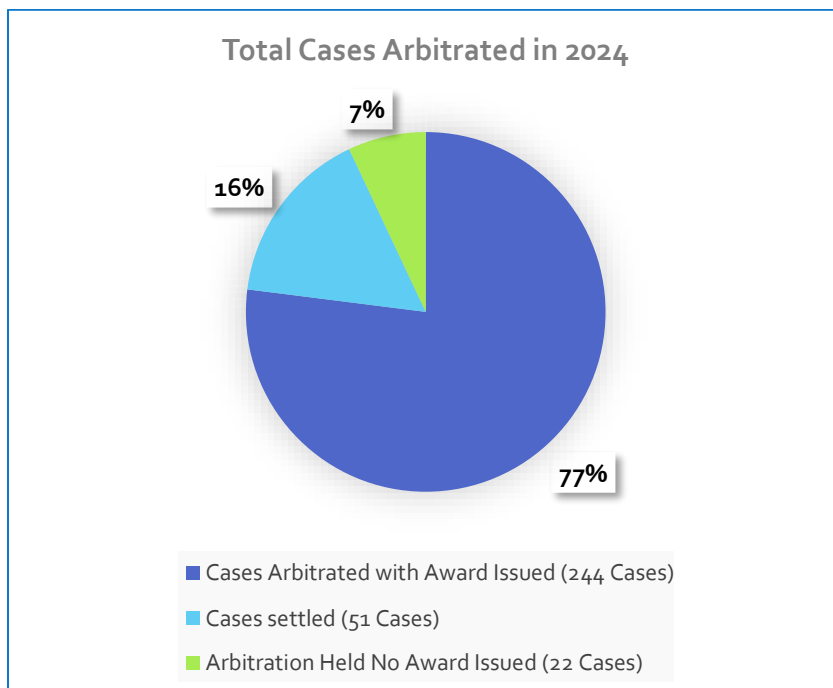
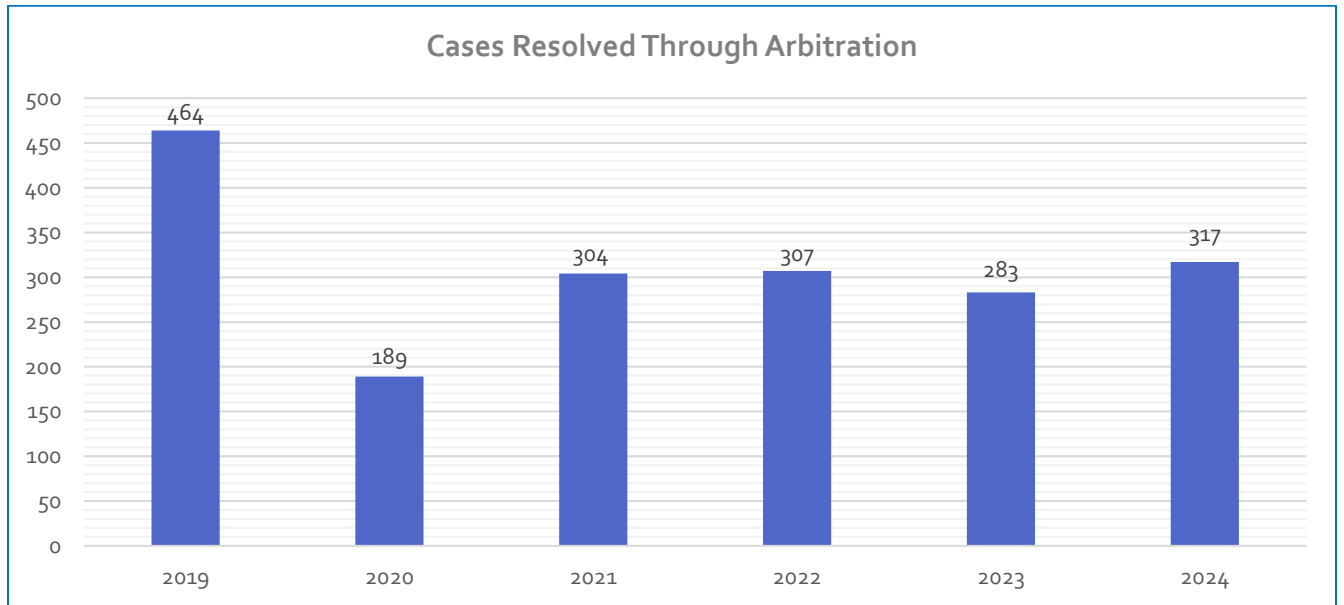
- Three hundred seventeen (317) cases were resolved through arbitration
- One hundred forty-three (143) cases were resolved outside of arbitration
- One hundred five (105) cases were dismissed for lack of jurisdiction, or for lack of activity for over two years, or withdrawn by the filing party

Additional information about these dispositions appears on the following pages.

Cases Resolved Through Arbitration

In 2024, 317 cases out of the 565 closed cases went to arbitration. Out of these 317 cases:

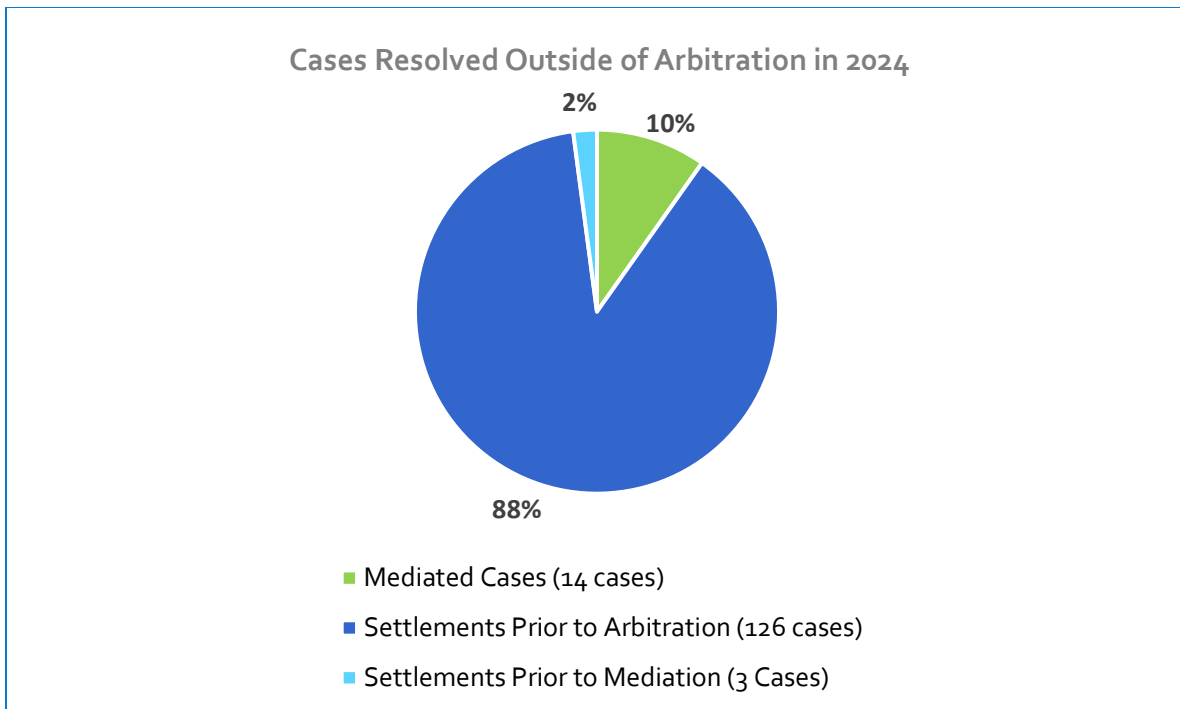
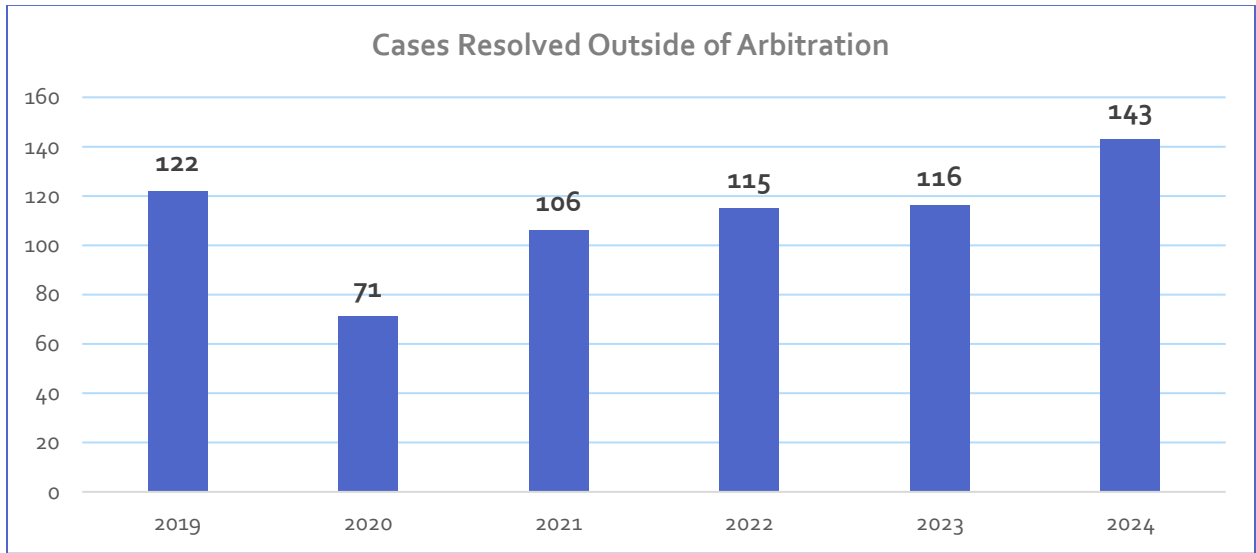
- Arbitrators issued awards in 244 cases.
- Fifty-one (51) cases that went to arbitration settled during the arbitration.
- In the remaining 22 cases, the arbitrators did not issue an award, likely because the arbitrators deemed the charged fees reasonable, and no additional exchange of money was needed because the client had already paid the fee.



Cases Resolved Outside Arbitration

In 2024, 143 cases out of the 565 closed cases were resolved outside of arbitration:

- One hundred twenty-six (126) cases settled prior to arbitration.
- Three (3) cases settled prior to mediation.
- Fourteen (14) cases were successfully mediated.



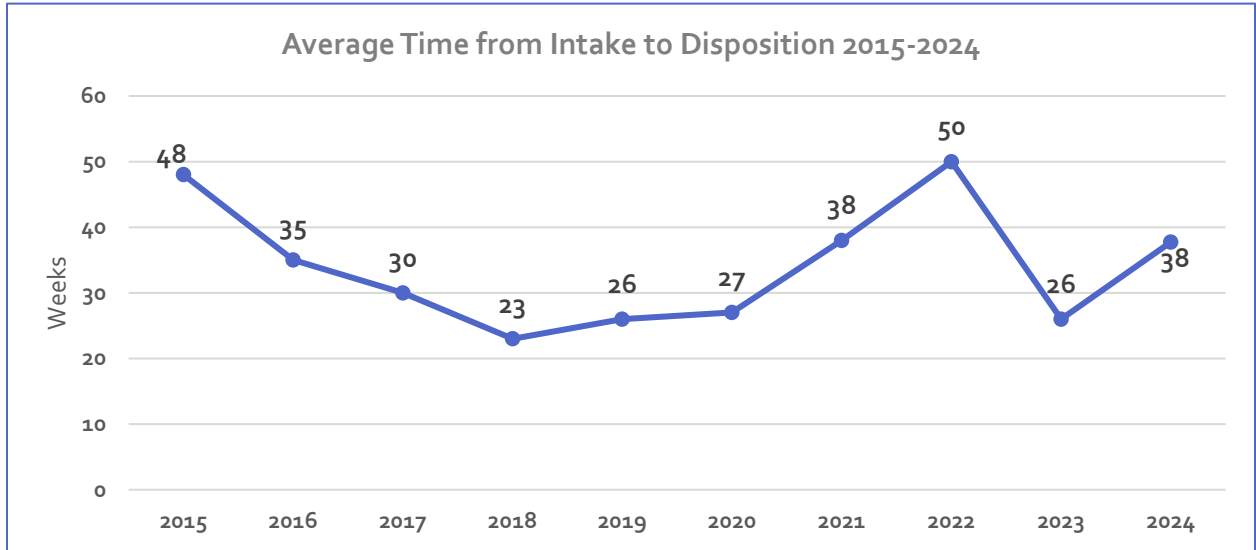
Cases Withdrawn by the Filing Party, Dismissed for Lack of Jurisdiction, or Dismissed for Lack of Activity by the Parties

	Number of Cases
Withdrawn by Filing Party	14
Dismissed for Lack of Jurisdiction	81
Dismissed for Lack of Activity by the Parties	10
Total	105

Reason for Lack of Jurisdiction	Number of Cases
Amount in Dispute is Outside of the Program's Monetary Jurisdiction	5
Attorney Admitted in Another Jurisdiction and Does Not Maintain a NY Office or No Material Portion of Services Rendered in NY	0
Client Filed Late	5
Damages or Affirmative Relief Other than Adjustment of the Fee	2
Fee Determined by Statute, Rule, Court Order	2
Legal Services Provided Outside Local Program's Geographic Region	12
No Attorney's Services for More than Two Years	13
Referred to Grievance Committee for Apparent Misconduct	0
Referred to Grievance Committee for Not Complying with Part 137	2
Representation in a Criminal Matter	7
Substantial Legal Question, including Allegations of Attorney Misconduct or Malpractice	3
Request for Arbitration made by Non-Client or the Legal Representative of the Client	1
Other*	29
Total	81
<p>* <i>Other</i> includes party deceased; party did not respond; requesting party did not provide information; attorney requested arbitration, but client did not consent; party bankruptcy; refund by credit card; concurrent action pending in court for the same relief.</p>	

Average Time from Intake to Disposition

The average time from intake to disposition for cases closed in 2024 was 38 weeks, which is roughly four weeks longer than the average time from intake to disposition for the ten-year period from 2015–2024.



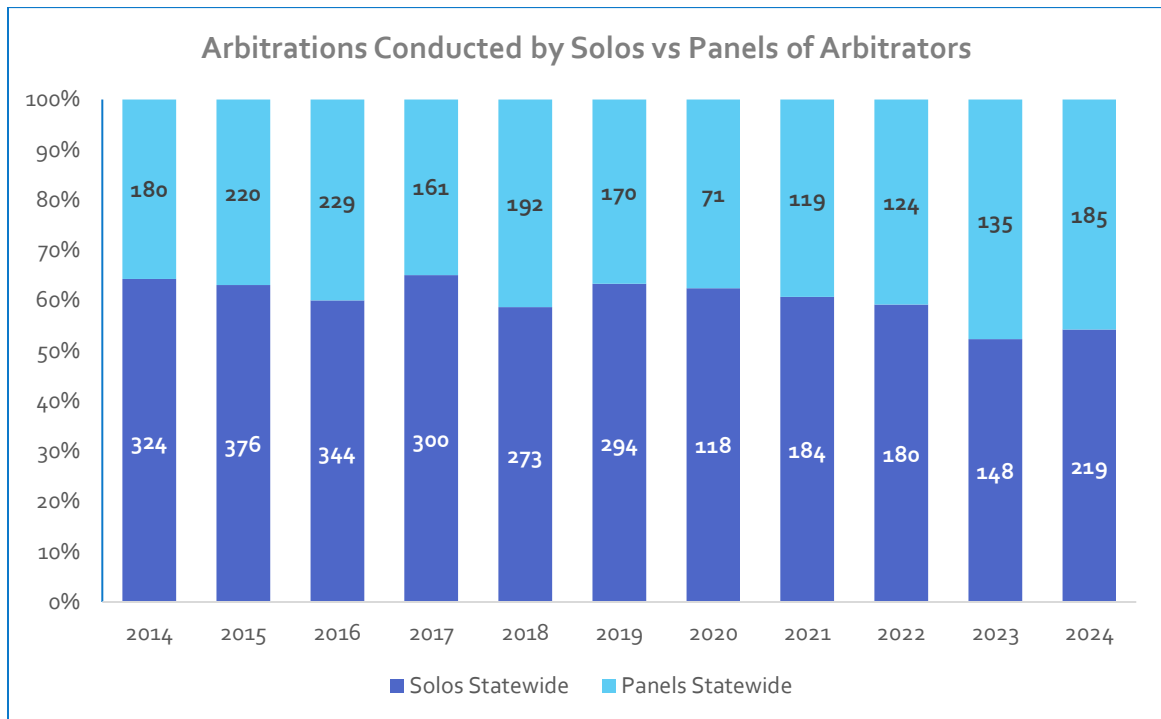
Panel Arbitrations Compared to Solo Arbitrations

Solo arbitrators, who are attorneys, are assigned where the amount in dispute is less than \$10,000. Three-arbitrator panels are assigned where the amount in dispute is \$10,000 or more.

In 2014, the Board raised the threshold for assembling panels from \$6,000 to \$10,000. The Board raised the threshold as the number of panels vs. solos reached parity and after the local program administrators reported on the difficulty of assembling panels. The Board will continue to monitor this to determine if there is a trend.

Panels consist of three arbitrators. At least one panelist must be a non-attorney member of the public. One panelist serves as Chair of the panel.

In 2024, the number of solo arbitrations continued to exceed the number of panel arbitrations.



Case Type Information

Fee disputes stemming from representation in [matrimonial matters](#) continue to be the majority case type handled by the program, numbering 282 cases in 2024. [Real Estate/ Property/ Landlord & Tenant](#) was the second most handled case type, numbering 69 in 2024.

Case Type	Number of Cases
Bankruptcy/Collection	3
Business/ Commercial	17
Civil Litigation	51
Contracts	7
Criminal	6
Education	2
Elder Law/ Guardianship	10
Immigration	16
Intellectual Property	6
Labor/ Employment	25
Matrimonial/ Family	282
Real Estate/ Property/ Landlord & Tenant	69
Tort	2
Wills/Trusts/Estate/ Probate	43
Other*	11
Unspecified†	15
Total	565

* "Other" includes but is not limited to the following subjects: construction litigation, debt consolidation, Medicaid, multiple/ various legal matters, tax, political consultation, and small claims defense.

† "Unspecified" is generally used as a temporary placeholder until the administrator receives more information in order to designate a case type or to determine that the program lacks jurisdiction.

New Arbitrator Trainings

In 2024, the Board continued its practice of accepting the New York State Bar Association’s Dispute Resolution Section’s “Three Day Commercial Arbitration Training for Arbitrators and Counsel: Comprehensive Training for The Conduction of Commercial Arbitrations Pursuant to Contemporary Best Practices” as a Board approved training. Attendees of this program, after watching the fee dispute resolution program’s orientation to the program, were qualified to apply to the Board for approval and acceptance to join a local roster.

The Board of Governors offers new arbitrator training programs sponsored by the ADR Division. **On January 29, February 9, and March 19, 2024,** the training was offered in collaboration with the New York County Lawyers Association, one of the local program providers. It is an all-day event offered remotely to be accessible to more people; participants learn the background and basics about the FDRP during the first part of the day and complete the day by learning the skills needed to arbitrate. After participating in the training, potential arbitrators apply to a local program by first submitting a résumé or biography for review by the Board’s Qualifications, Training and Review Committee, which then makes a recommendation for a vote by the full Board. Once the full Board approves an arbitrator to join a roster, local programs add the newly approved arbitrators to their rosters. Each new arbitrator must submit an oath or affirmation to arbitrate faithfully and fairly, which the local program keeps on file.

Fifty-six (56) individuals were trained in 2024 and thirty-seven (37) of them were approved to arbitrate for local programs.

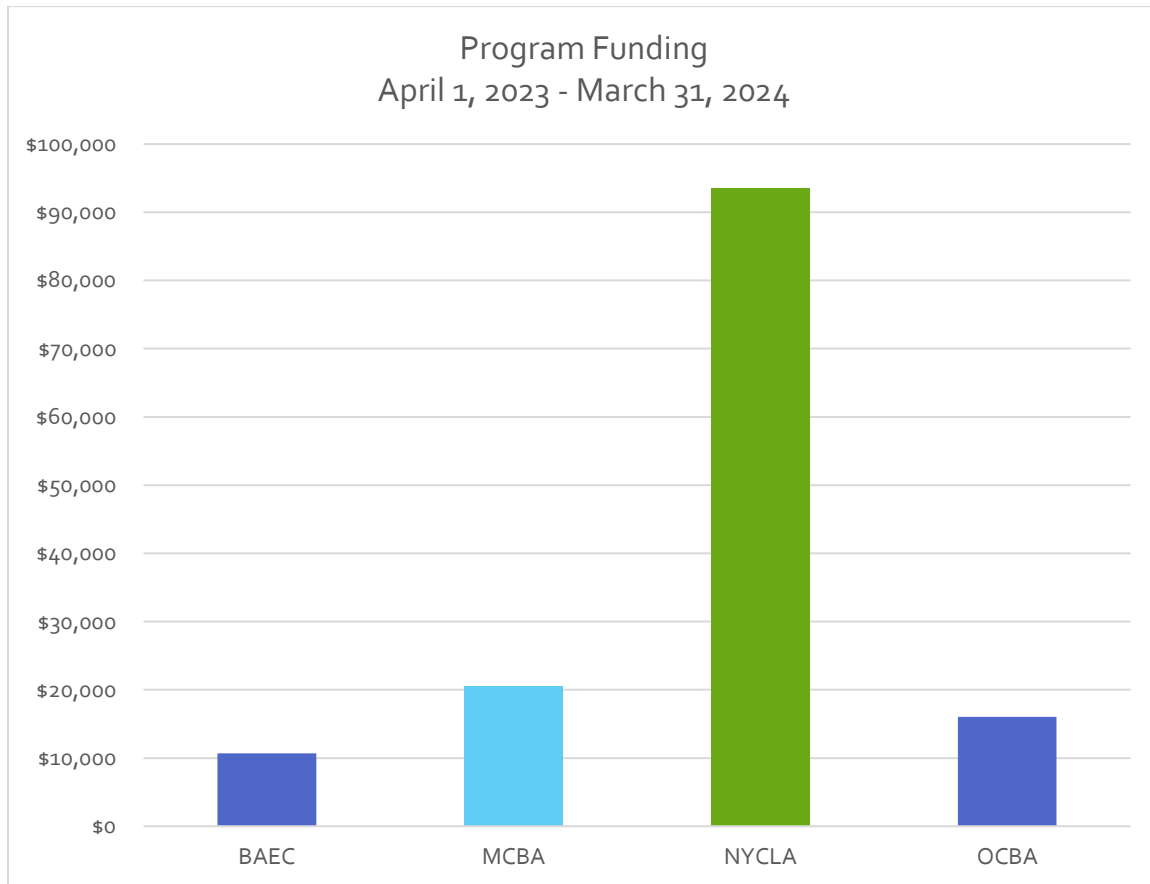
The Board is grateful for all the arbitrators and mediators who volunteer their time to the program. The program would not work if not for them.

In 2024, the ADR Division offered three anti-bias trainings, led by Theo Cheng, Esq., which he developed specifically for Part 137 volunteers. The ADR Division offered these two-hour trainings to help volunteers meet their obligations under [Administrative Order 124/22](#), which requires all neutrals serving on court rosters and in court-sponsored programs to complete at least two (2) hours of anti-bias training every two (2) years.

The Board also incorporated one (1) hour of anti-bias training into its new arbitrator training curriculum and continues to supply content for the full two-hour requirement in arbitrators’ training curriculum.

Funding

The Office of Court Administration continues to fund the following programs to help defray costs: The Bar Association of Erie County (BAEC); the New York County Lawyers Association (NYCLA), which administers the Joint Committee on Fee Disputes and Conciliation in Bronx and New York Counties; the Onondaga County Bar Association (OCBA); and the Monroe County Bar Association (MCBA). Since 2007, all funding to bar associations has occurred pursuant to the terms of negotiated multi-year contracts.



Program Approval Status – Statewide Overview

As of December 31, 2024

District	Administrator	Status
<i>First (Manhattan)</i>	Joint Committee on Fee Disputes and Conciliation	Joint program of New York County Lawyers Assn, Bronx County Bar Assn, and New York City Bar Assn. Program operates out of NYCLA headquarters. Program offers both arbitration and mediation. Approved to administer program as of 3/4/2002.
<i>Second (Kings)</i>	Brooklyn Bar Assn	Program offers both arbitration and mediation. Approved to administer program as of 8/20/2002.
<i>Third (Albany, Schoharie, Rensselaer, Greene, Columbia, Ulster, Sullivan)</i>	District Administrative Judge's Office. (Program covers entire District)	Approved to administer program as of 7/23/2002
<i>Fourth (Schenectady, Saratoga, Montgomery, Fulton, Washington, Warren, Hamilton, Essex, St. Lawrence, Franklin, & Clinton)</i>	District Administrative Judge's Office (Program covers entire District)	Approved to administer program as of 5/1/2005
<i>Fifth (Onondaga, Herkimer, Jefferson, Lewis, Oneida, Oswego)</i>	Onondaga County Bar Assn, in partnership with the District Administrative Judge's Office (Program covers entire District)	Approved to administer program as of 7/24/2002
<i>Sixth (Broome, Chemung, Chenango, Cortland, Delaware, Madison, Otsego, Schuyler, Tioga & Tompkins)</i>	District Administrative Judge's Office (Program covers entire District)	Approved to administer program as of 4/16/2003
<i>Seventh (Monroe, Cayuga, Livingston, Ontario, Seneca, Steuben, Wayne & Yates)</i>	Monroe County Bar Assn, in partnership with the District Administrative Judge's Office (Program covers entire District)	Approved to administer program as of 10/1/2002
<i>Eighth (Erie, Allegany, Cattaraugus, Chautauqua, Genesee, Niagara, Orleans & Wyoming)</i>	Bar Assn of Erie County (Program covers entire District)	Approved to administer program as of 2/6/2002
<i>Ninth (Westchester, Dutchess, Orange, Putnam, Rockland)</i>	District Administrative Judge's Office (Program covers entire District)	Approved to administer program as of 2/24/2003

<i>Tenth (Nassau)</i>	District Administrative Judge's Office (Program covers Nassau County)	Program offers both arbitration and mediation. Approved to administer program as of 2/24/2003.
<i>Tenth (Suffolk)</i>	Suffolk County Bar Assn (SCBA Pilot program ran from Feb. 28, 2003, to Nov. 22, 2004, to arbitrate disputes of \$3,000 and above only in Suffolk County; District Administrative Judge's Office arbitrated disputes between \$1,000 and \$3,000. The SCBA now handles all Part 137 fee disputes.)	Approved to administer program as of 10/9/2002
<i>Eleventh (Queens)</i>	District Administrative Judge's Office	Approved to administer program as of 4/24/2003
<i>Twelfth (Bronx)</i>	Same as First District	Same as First District
<i>Thirteenth (Staten Island)</i>	Richmond County Bar Assn	Approved to administer program as of 1/9/2003

Appendix A (Caseload Data – Statewide and by Local Program)

Part 137 - Annual Report 2024		Report Date: 5/7/2025						
	Statewide	1st & 12th JDS	2nd JD	3rd JD	4th JD	5th JD	6th JD	
Disposition Information								
Total Cases Closed	564	136	17	16	9	3	7	
Average Weeks from Intake to Disposition	26.19	28.67	92.38	23.74	21.14	58.40	30.09	
Total Cases Arbitrated	317	77	13	2	7	1	4	
Cases Arbitrated with Awards Issued	244	67	12	1	7	1	4	
Cases Settled During Arbitration	51	8	1	1	0	0	0	
Arbitration Held with No Award Issued	22	2	0	0	0	0	0	
Cases Arbitrated by One Arbitrator	182	41	10	2	5	1	3	
Cases Arbitrated by Three Arbitrators	135	36	3	0	2	0	1	
Total Cases Resolved Outside Of Arbitration	142	46	3	8	1	1	0	
Total Number of Settled Cases	128	34	3	8	1	1	0	
Settlements Prior to Arbitration	125	31	3	8	1	1	0	
Settlements Prior to Mediation	3	3	0	0	0	0	0	
Total Number of Mediated Cases	14	12	0	0	0	0	0	
Cases Meditated to Agreement	14	12	0	0	0	0	0	
Cases Meditated with No Agreement	0	0	0	0	0	0	0	
Total Cases Withdrawn and Dismissed for Lack of Jurisdiction	95	11	1	6	1	1	3	
Cases Withdrawn	14	0	1	0	0	1	1	
Cases Dismissed for Lack of Jurisdiction	81	11	0	6	1	0	2	
Financial Information								
Total Admin. Fees Collected From Parties	\$46,725.01	\$17,000.00	\$5,075.00	\$0.00	\$0.00	\$375.00	\$0.00	
Average Amount in Dispute	\$16,066.24	\$25,989.25	\$10,869.89	\$6,468.56	\$8,353.12	\$8,665.91	\$6,953.49	

	7th JD	8th JD	9th JD	10th JD- Nassau	10th JD- Suffolk	11th JD	13th JD
Disposition Information							
Total Cases Closed	26	19	41	144	113	22	11
Average Weeks from Intake to Disposition	9.13	14.04	25.75	21.96	19.11	34.93	41.05
Total Cases Arbitrated	9	11	29	78	74	4	8
Cases Arbitrated with Awards Issued	6	9	28	46	54	4	5
Cases Settled During Arbitration	3	2	1	14	20	0	1
Arbitration Held with No Award Issued	0	0	0	18	0	0	2
Cases Arbitrated by One Arbitrator	5	7	13	48	38	3	6
Cases Arbitrated by Three Arbitrators	4	4	16	30	36	1	2
Total Cases Resolved Outside Of Arbitration	9	4	4	36	25	3	2
Total Number of Settled Cases	9	4	4	35	25	3	1
Settlements Prior to Arbitration	9	4	4	35	25	3	1
Settlements Prior to Mediation	0	0	0	0	0	0	0
Total Number of Mediated Cases	0	0	0	1	0	0	1
Cases Meditated to Agreement	0	0	0	1	0	0	1
Cases Meditated with No Agreement	0	0	0	0	0	0	0
Total Cases Withdrawn and Dismissed for Lack of Jurisdiction	8	4	6	30	13	10	1
Cases Withdrawn	2	0	2	1	4	1	1
Cases Dismissed for Lack of Jurisdiction	6	4	4	29	9	9	0
Financial Information							
Total Admin. Fees Collected From Parties	\$4,000.00	\$4,250.01	\$0.00	\$0.00	\$14,825.00	\$0.00	\$1,200.00
Average Amount in Dispute	\$11,111.46	\$12,202.00	\$17,985.42	\$13,688.97	\$13,659.19	\$7,489.59	\$11,455.82