

1 **Rule 14-1103. Exclusions.**

2 (a) Disputes not subject to arbitration. These rules do not apply to the following:

3 (a)(1) disputes in which the client seeks relief against a lawyer based upon alleged
4 malpractice. The arbitration panel may consider evidence relating to claims of
5 malpractice and professional misconduct, but only to the extent that those claims bear
6 upon the fees, costs, or both, to which the lawyer claims he is entitled. The panel may
7 not award affirmative relief in the form of damages for injuries underlying any such
8 claim;

9 (a)(2) disputes in which entitlement to, and the amount of the fees and/or costs
10 charged or paid to a lawyer by the client or on the client's behalf, have been determined
11 by court order;

12 (a)(3) disputes in which the request for arbitration or mediation is filed more than four
13 years after the lawyer/client relationship has been terminated, or more than four years
14 after the final billing has been received by the client, or the civil action concerning the
15 disputed amount is barred by the statute of limitations, whichever is later; and

16 (a)(4) at the discretion of the executive director or the chair, disputes which are
17 deemed to be administratively burdensome due to either the complexity, the nature or
18 number of the factual and/or legal issues involved or the amount in controversy.

19 (b) Mediation to be considered. In those cases where all necessary parties refuse to
20 be bound by arbitration, the chair or his designee will advise the petitioner and the
21 respondent of the option of entering into non-binding mediation. Mediation must be
22 agreed upon by the petitioner, respondent and third parties responsible for payment, if
23 any.

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