
Wisconsin Memorandum Ethics Opinion 10/75

Disputed attorney's fees

Revised July 25, 2024

A lawyer must promptly respond to a client's request for information concerning fees and expenses. SCR 20:1.5(b)(3). If a fee dispute arises over advanced fees that the lawyer has deposited into a trust account, the lawyer shall keep the disputed funds in trust until the dispute is resolved. If the disputed fees have already been withdrawn from the trust account, the disputed amount must be returned to the trust account until the dispute is resolved. SCR 20:1.5(h)(3). If the dispute cannot be resolved, the lawyer should consider submitting the dispute to fee arbitration. See Comment to SCR 20:1.5(h). If a lawyer has taken advantage of the alternative protection for advanced fees offered by SCR 20:1.5(g) and placed the advanced fees into their business account, the lawyer must inform the client at the outset of the representation and again at the termination of the representation that the lawyer has an obligation to submit any fee disputes to binding arbitration within 30 days of receiving written notice of the dispute. SCR 20:1.5(g)(1)(e) and (2)(d). The lawyer is then required to submit the dispute to fee arbitration. SCR 20:1.5(g)(4). A failure to submit the dispute to binding arbitration is misconduct. See e.g. *Disciplinary Proceedings against Heins*, 2017 WI 93 (2017).