

# Your Action Paths

Procedural information only. We describe the four recourse paths state bars publish for fee disputes and attorney misconduct. We do not tell you which path to use. Programs change, deadlines apply, and your situation may not match the auto-highlighted row below.

How to use this section. Read the four-rung map first, then the severity-tier table on the next page. The auto-highlight is a visual cue based on the most severe finding in your Bill Audit; it is not a recommendation. You decide whether to act, which rung to use, and when.

## Part A — The Stepladder

Four rungs, from the gentlest direct conversation with the firm to a civil malpractice claim. State bars publish all four as legitimate, independent paths. They are not sequential prerequisites; you can start at any rung that fits the conduct.

### Rung A — Direct fee-dispute letter to the firm

Legal foundation: ABA Model Rule 1.5(a) (eight reasonableness factors) and Rule 1.5 Comment 9 (negotiation precedes adversarial action).

What it is: a factual, itemized letter to the firm identifying disputed entries and requesting an itemized review.

What it requires: the engagement letter, the invoices in question, a list of specific line items with the basis for challenge, a stated dollar adjustment, and a response deadline (14–21 days is industry standard).

Texas note: The State Bar of Texas explicitly recommends this as Step 1: "It is very important that you try to discuss your concerns about your bill directly with your lawyer." ([texasbar.com](http://texasbar.com) / Resolving Fee Disagreements.)

### Rung B — State bar fee arbitration

Texas program: No single statewide mandatory program. The State Bar of Texas operates the Client-Attorney Assistance Program (CAAP), which refers fee disputes to local bar association fee-dispute committees (Dallas, Houston, Austin, San Antonio, Tarrant County, etc.) and to local Dispute Resolution Centers where no bar committee exists.

Mandatory for attorney? Voluntary for both parties.

Cost to client: Free (CAAP is free; local bar programs generally free).

Entry point: CAAP intake at 1-800-932-1900; [texasbar.com](http://texasbar.com) / Resolving Fee Disagreements.

Cross-state context: CA, NY, and NC make arbitration mandatory for the attorney when the client requests. FL, GA, IL, OH, PA, MI, and TX are voluntary for both parties. All ten programs are free or low-cost to the client.

## Rung C — State bar grievance / disciplinary complaint

Legal foundation: ABA Model Rule 1.5 (unreasonable fee), Rule 1.15 (safekeeping of client funds; trust-account integrity), Rule 8.4(c) (dishonesty, fraud, deceit). ABA Formal Opinion 505 (2023) confirms that labeling a fee “earned on receipt” does not convert an unearned advance into a general retainer; Rule 1.15 requires segregation of all advance payments.

What it is: a formal complaint to the state bar disciplinary office alleging ethics-rule violations, not just a billing disagreement.

Texas intake: [texasbar.com](https://www.texasbar.com) → File a Complaint. CAAP at 1-800-932-1900 screens whether the matter is a fee dispute or an ethics violation; the grievance process cannot resolve general fee-amount disputes.

Procedural note: several states (NC) require the fee dispute to be processed before or concurrent with the grievance when both are filed.

## Rung D — Legal malpractice referral

What it is: a civil claim against the attorney when overbilling caused actual harm to the client’s legal matter (missed deadlines, case lost, retainer consumed before the work was done).

What it requires: proof of attorney-client relationship, duty, breach, causation, and damages. Many malpractice attorneys take clear-cut cases on contingency.

Texas SOL: 2 years from the date of the act or discovery of harm (Tex. Civ. Prac. & Rem. Code § 16.003).

Cross-state SOL: CA 1 yr discovery / 4 yr act; NY 3 yr; FL 2 yr; IL 2 yr; PA 2 yr (4 yr if pled as contract); OH 1 yr; GA 4 yr; NC 3 yr (1 yr discovery if injury not readily apparent); MI 2 yr.

Tolling note: California Cal. Code Civ. Proc. § 340.6 tolls the malpractice SOL during mandatory fee arbitration. No other state in the set has this rule — in TX and the others, sending a Rung A letter or filing a Rung B arbitration does not stop the malpractice clock.

Referral: State Bar of Texas Lawyer Referral & Information Service, 1-800-252-9690; national directory at [lawyerlegion.com](https://www.lawyerlegion.com).

## Part B — Severity-Tier Map

Each row matches a finding type from a Legal Bill Audit report to the rung that state-bar guidance points to for that finding type. Read the row that matches your finding. You decide whether the starting rung fits your situation.

Finding type	ABA rule implicated	Starting rung	Rationale (short)
Minor billing drift	Rule 1.5(a) (technical reasonableness)	Rung A	Rounding or isolated errors. Most state bars require a good-faith direct attempt before fee arbitration is accepted.
Pattern overbilling	Rule 1.5(a), 1.5(b)	Rung B	A pattern (block billing, unilateral rate shifts, systematically inflated entries) cannot be resolved by a single letter; a neutral arbitrator evaluates cumulative billing conduct.
Rule 1.5 unreasonable fee	Rule 1.5(a)	Rung B + Rung C (concurrent)	When the fee is arguably unreasonable under the eight Rule 1.5(a) factors, the matter may cross from billing dispute to ethics violation.
Rule 1.15 trust-account violation	Rule 1.15; Rule 1.5(a)	Rung C (urgent)	Commingling, drawing against retainer before earned, or failure to return unearned portions are per-se ethics violations. ABA Formal Opinion 505 (2023).
Rule 8.4 dishonesty / fraud	Rule 8.4(c); Rule 1.5(a); Rule 1.15	Rung C urgent + possible criminal referral	Fabricated entries or billing for work not performed is potential criminal fraud. Document the false entries before filing; possible referral to county DA.
Billing caused case harm	Rule 1.5(a); Rule 1.1; Rule 1.3; Rule 1.7	Rung D + concurrent B/C	When overbilling caused missed deadlines or adverse outcomes, the client has a damages claim. SOL clocks for malpractice run independently of fee-arbitration.

About the highlighted row. Your report contains a finding in this row. The starting rung shown is what state-bar guidance maps to this finding type. You decide whether to use it. This is a visual cue based on the finding type, not a recommendation to act.

## Procedural cross-notes

Fee arbitration and grievance are separate processes.

Arbitration addresses the amount of fees; a grievance addresses professional-conduct violations. In CA, NY, and NC, arbitration is mandatory for the attorney when the client requests it; a grievance for the same facts is a parallel path.

Direct letter does not toll the malpractice SOL (with one exception).

Sending a Rung A letter or filing a Rung B arbitration does not stop the malpractice clock. California is the exception: Cal. Code Civ. Proc. § 340.6 tolls the malpractice SOL during mandatory fee arbitration.

Client Security Funds are separate.

Most states maintain a Client Security Fund (or Client Protection Fund) to reimburse clients for money stolen by attorneys. These are distinct from fee-dispute programs and triggered by confirmed lawyer dishonesty. They do not cover malpractice, negligence, or billing disagreements.

Complainant immunity.

In all ten covered states, persons who file a grievance with the state bar's disciplinary authority have immunity from civil suits by the attorney for the act of filing.

This action-paths map is procedural information drawn from state-bar publications. Programs change, deadlines apply, and your situation may not match the highlighted row. Verify program rules and filing deadlines with the state bar before acting. State-bar fee-arbitration programs do not give legal advice; they administer the procedure. If you want a strategy review, consult a licensed attorney in your state. California and Florida users see an additional disclaimer screen before this section in the live product.

Coverage: TX, CA, FL, NY, PA, IL, OH, GA, NC, MI. More states added on demand. Sample renders Texas data. The live product populates whichever state the client selected at intake. Procedural information only — not legal advice.