

CHALLENGE TO MANDATORY FEES

Name of Attorney: _____

Address of Attorney: _____

Telephone Number of Attorney: _____

State Bar Number: _____

Category or Categories of Chargeable Expense Challenged: _____

By signing below and submitting with timely payment of the annual fees less only the specified optional deductions, the attorney listed above hereby challenges the State Bar of California's Mandatory Fees on the ground that the category or categories of chargeable expenses specified above are not germane under *Keller v. State Bar of California* (1990) 1 U.S. 490.

Signature of Attorney

Date

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Instructions and Procedures

Instructions

1. Attorneys who believe that the State Bar's annual Statement of Expenditures of Mandatory Fees includes an expenditure disallowed by *Keller v. State Bar* may object to the expenditure by completing the Challenge to Mandatory Fees.
2. Challenges must be made individually and separately.
3. An attorney's challenge must be submitted with timely payment of the Annual Fees less only the optional deductions specified on the fee statement.
4. Challenges must be mailed to Office of the Secretary, The State Bar of California, 180 Howard Street, San Francisco, California 94105, and must be received no later than the February 1, 2018 due date for payment of the 2018 annual fees or, for newly admitted attorneys, no later than 45 days after the invoice date for annual fees.
5. Failure to timely file a Challenge to Mandatory Fees constitutes waiver of the right to object.

Procedures

1. Following timely receipt of a Challenge to Mandatory Fees, all of the attorney's Mandatory Fees or only the portion that is challenged will be placed in escrow in an interest-bearing account. If the State Bar places less than 100 percent of an attorney's fees in escrow, the escrow amount will be independently audited.
2. The Board of Trustees must decide whether to allow the challenge and provide an additional deduction to the attorney or promptly refer the challenge to arbitration. Challenges by more than one attorney may be consolidated for arbitration.
3. After referral of a challenge to arbitration, the parties may mutually agree to an impartial arbitrator. If the parties cannot agree, or in consolidated challenges, if at least 75 percent of the challengers do not agree on an arbitrator within 30 days of the decision to arbitrate, the American Arbitration Association will appoint an arbitrator.
4. Arbitrations will be held at the San Francisco offices of the State Bar of California.
5. The issue for arbitration is whether the activity under the challenged expenditure is germane under the standard in *Keller v. State Bar* 496 U.S. 1.
6. The arbitration must be expeditious, fair and informal in nature. The arbitrator must judge the relevance and materiality of evidence offered and conformity to the rules of evidence is not necessary. The arbitrator may receive and consider evidence of witnesses by declaration or affidavit.

7. The arbitrator must issue a decision within 30 days after submission of post-arbitration briefs.

Public Agency Refund Procedures

1. If an award is made to individual challengers, public agencies which pay the annual fees of their public employees will be entitled, upon timely demand, to a refund. The State Bar must maintain a list of the names and addresses of all public agencies known to the State Bar. Public agencies that make a request will be included on the list.
2. If an award is made to individual challengers, the State Bar must, within 30 days, notify all listed public agencies in writing that they are entitled to demand a refund. A refund demand must be made on a form provided by the State Bar and returned by the date specified.