

## CHALLENGE TO MANDATORY MEMBERSHIP FEES

Name of Member: \_\_\_\_\_

Address of Member: \_\_\_\_\_

Telephone Number of Member: \_\_\_\_\_

State Bar Membership Number: \_\_\_\_\_

Category or Categories of Chargeable Expense Challenged: \_\_\_\_\_

\_\_\_\_\_

By signing below and submitting with timely payment of the annual membership fees less only the specified optional deductions, the State Bar member listed above hereby challenges the State Bar of California's Mandatory Membership 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 Member

\_\_\_\_\_  
Date

# **CHALLENGE TO MANDATORY MEMBERSHIP FEES**

## **Instructions and Procedures**

### **Instructions**

1. Members who believe that the State Bar's annual Statement of Expenditures of Mandatory Membership Fees includes an expenditure disallowed by *Keller v. State Bar* may object to the expenditure by completing the Challenge to Mandatory Membership Fees.
2. Challenges must be made individually and separately.
3. A member's challenge must be submitted with timely payment of the Annual Membership Fees less only the optional deductions specified on the dues 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 March 1, 2017 due date for payment of the 2017 annual membership fee or, for newly admitted members, no later than 45 days after the invoice date for membership fees.
5. Failure to timely file a Challenge to Mandatory Membership Fees constitutes waiver of the right to object.

### **Procedures**

1. Following timely receipt of a Challenge to Mandatory Membership Fees, all the member's Mandatory Membership Fee 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 a member'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 member or promptly refer the challenge to arbitration. Challenges by more than one member 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 membership fee 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.