Instructions and Information for Requesting Fee Arbitration

1. **READ** the Fee Arbitration Rules (Rules of the State Bar of California, Title 3, Division 4, Chapter 2)

2. **COMPLETE** all pages of the Request for Arbitration of a Fee Dispute form. If necessary, include additional pages to describe the fee dispute. **Sign and date the form. An incomplete form will be returned to you**. If you are initiating the fee dispute because you received a Notice of Client's Right to Fee Arbitration from the attorney, the request form must be post-marked or received by the Arbitration Program on or before the 30th day from the date you receive the Notice. If you do not file or postmark by the 30-day deadline, you will have waived your right to fee arbitration and entitle the attorney to file an action in court or pursue other proceeding against you to collect attorney's fees. If you do not understand any part of the form, please telephone our office to speak to a staff member at the Program's main telephone number: (415) 538-2020.

3. **MAIL** the **completed original** *Request for Arbitration of a Fee Dispute* form, copies of items required by the form, and any other supporting materials that you wish to submit, accompanied by: an additional **two (2) copies (3 total) if the disputed amount is $15,000.00 or less** or an additional **four (4) copies (5 total) if the disputed amount is more than $15,000.00 and you are requesting arbitration by a 3 member panel**. We suggest that you maintain one set of original documents with you for safekeeping.

4. **Include a check or money order payable to The State Bar of California for payment of the filing fee**. The amount of the filing fee depends on the amount in dispute, and is to be calculated in the spaces provided on the form. Mail the request form and your supporting papers, the photocopies, and payment of the filing fee to:

The State Bar of California
Mandatory Fee Arbitration Program
180 Howard Street, 10th Floor
San Francisco, CA 94105-1639

Other Information

1. **WHO MAY REQUEST FEE ARBITRATION** – Only the person or entity represented by the attorney, a person who may be liable for payment or entitled to a refund of attorney's fees can request arbitration, or the attorney may request fee arbitration. Participation in fee arbitration requested by a client or other person is mandatory for the attorney, and voluntary for the client or other person if requested by the attorney, unless there is written agreement to submit disputes over attorney's fees and costs to Mandatory Fee Arbitration. If arbitration is requested between a non-client and attorney, the Program will send notice to the client of the arbitration and extend to the client an opportunity to also participate in arbitration. Please provide the client's last known address on the request form.

2. **STAY OF PROCEEDINGS** – If you have been sued or become subject to another proceeding brought by the attorney to collect attorney's fees, the action or other proceeding is automatically stayed upon filing for fee arbitration. The Program will advise the attorney of his or her obligation under Rule 3.650, California Rules of Court, to provide notice of the automatic stay to the court or in the other proceeding.

3. **FEE DISPUTES INVOLVING $1,000 OR LESS** – Fee disputes involving $1,000.00 or less are generally decided without a hearing by the Presiding Arbitrator or an Assistant Presiding Arbitrator based on the pleadings. Each party must submit all supporting documents and a complete written statement of the reasons for the dispute under penalty of perjury. If the amount in controversy is less than $1,000.00 but more than $500.00, any party may request a hearing, either in person or telephonically, before the Presiding Arbitrator or Assistant Presiding Arbitrator assigned to the matter in addition to providing the written information required (Rule 3.536(B).

4. **WAIVER OF PERSONAL APPEARANCE** – If you cannot attend the hearing, you may waive your personal appearance (Rule 3.540) and have the matter decided on the documents submitted, appear by telephone subject to the Panel Chair's approval, or have someone appear for you. If you wish to waive your personal appearance or if you want someone else to appear for you, you must complete a *Waiver of Personal Appearance* form, available on request.

Notice regarding Access to the State Bar Program

Rule 3.505(A)(1-3) of the Fee Arbitration Rules states the grounds on which the State Bar of California will accept a matter for arbitration rather than require arbitration through a local bar association. You should keep this rule in mind when giving your answer to question #10 on the *Request for Arbitration of a Fee Dispute* form. If your answer to question #10 does not comply with Rule 3.505(A)(1-3), your request form will be returned with a referral to the local bar association's fee arbitration program.