



The State Bar of California

180 Howard Street, San Francisco, CA 94105

Case No. _____ - A - _____
For State Bar Staff Use Only

MANDATORY FEE ARBITRATION

Request for Arbitration/Mediation of a Fee Dispute

State Bar fee arbitration and fee mediation matters are governed by the State Bar [rules](#). Answers to frequently asked questions about mandatory fee arbitration and voluntary mediation are answered on the [website](#). For more information, contact the Mandatory Fee Arbitration Program at 415-538-2020.

Mail this form and supporting documents with the filing fee to:

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

1(a). CLIENT:

Client's Name

Address

City, State, Zip Code

Client's Telephone Number

Client's Email Address

1(b). ATTORNEY (with whom there is a fee dispute):

Attorney's Name

Name of Attorney's Firm, if Any

Address

City, State, Zip Code

Attorney's Telephone Number

1(c). PERSON WHO SIGNED FEE AGREEMENT AND PAID ATTORNEY'S FEES (if different from (a) above):

Name

Address

City, State, Zip Code

Telephone Number

2. If you are, or will be, represented by an attorney in the arbitration, provide the name, address, and telephone number.

Attorney's Name

Address

City, State, Zip Code

Attorney's Telephone Number

3. In what county were most of the services provided? This is usually the county where the attorney's office is located.

County

- 4(a). When did you first hire the attorney?

____/____/____
Month Day Year

- (b). When did the attorney stop representing the client or provide a final bill (whichever is later)?

____/____/____
Month Day Year

5. What type of case was the attorney handling for the client (divorce, criminal, etc.)?

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- 6(a). Is there a written fee agreement? (If yes, **attach a copy.**)

☐ Yes

☐ No

- (b). Is there a written agreement that fee disputes will be submitted to a Mandatory Fee Arbitration Program? (If other than the written fee agreement, **attach a copy.**)

☐ Yes

☐ No

- 7(a). Did the attorney give the client or person responsible for payment of the fees a written notice of their right to mandatory fee arbitration?

(If yes, **attach a copy of the notice.**)

☐ Yes

☐ No

- (b). If yes, when was the written notice received?

____/____/____
Month Day Year

- 8(a). Has a lawsuit been filed to collect the fees or costs?
(If yes, **attach a copy of the complaint.**)

☐ Yes

☐ No

- (b). If a lawsuit has been filed, has the lawsuit been answered?
(If yes, **attach a copy of the answer.**)

☐ Yes

☐ No

9. Were the attorney's fees ordered by the court or set by law? ☐ Yes ☐ No
(If yes, **explain on a separate sheet.**)

10. What are your reasons for using the State Bar to arbitrate this dispute instead of a local bar program?

- ☐ There is no local bar program available in the county where most of the legal services were provided.
- ☐ I believe that I will not receive a fair hearing through the local bar program. (If checked, you must submit a written declaration signed under penalty of perjury or provide a letter from the local bar program to support your belief. The State Bar program will determine whether your showing is satisfactory. If you do not provide the required written support for your belief, your request for the State Bar program to handle the dispute instead of a local bar program will be rejected.)
- ☐ The local bar does not waive filing fees and you are requesting a waiver of filing fees.
- ☐ The local bar program requires that the arbitration be binding and you do not agree to binding arbitration.
- ☐ The local bar will not arbitrate with incarcerated clients and the client is incarcerated.
- ☐ Other _____

11. Amount the client already paid the attorney \$ _____

12. Additional amount, if any, the attorney says is still owed \$ _____

13. Add lines 11 and 12 \$ _____

14. Total amount the client or person responsible for fees says the attorney should be paid \$ _____

15. Subtract line 14 from line 13. **This is the disputed amount.** \$ _____

16. Filing Fee: 6 percent of the disputed amount shown on line 15 with a minimum fee of \$100 and a maximum fee depending on the amount in dispute. **Refer to filing fee schedule below.** \$ _____

If the amount in dispute is:	The filing fee is 6% of the amount in dispute, with a minimum fee of \$100 and a maximum fee of:
less than \$100,000	\$5,000
\$100,000 or more but less than \$250,000	\$10,000
\$250,000 or more but less than \$500,000	\$15,000
\$500,000 or more	\$20,000

Make your check or money order payable to the State Bar of California. Do not send cash.

17. Provide a summary of the fee dispute. **Please limit your explanation to five pages.**

18. If the fee dispute is for \$25,000 or less, it is heard by one arbitrator. If it is for more than \$25,000, it is heard by three arbitrators. If all parties agree, you can have the dispute heard by one arbitrator even if the dispute is for more than \$25,000. Select only one.

- ☐ The dispute is for \$25,000 or less, or
- ☐ The dispute is for more than \$25,000 and you agree to one arbitrator, or
- ☐ The dispute is for more than \$25,000 and you request three arbitrators.

19. Unless both parties agree in writing to BINDING ARBITRATION after the fee dispute arises, this arbitration is NONBINDING. Nonbinding arbitration means that if either party is unhappy with the award, either party has the right to ask for a trial in a civil court. Requesting a trial after arbitration will require filing documents with the appropriate court within 30 days from the date the award is served, even if damages are not sought from the other party. Unless a party requests a trial after arbitration within 30 days, the award *automatically* becomes *final and binding*.

If both parties agree in writing to make the arbitration BINDING, a new trial may *not* be requested and the award will *immediately* become final and binding on both parties with limited rights to challenge the award in civil court.

Do you agree to binding arbitration?

☐ Yes ☐ No

20. If you are the client and the attorney represented you in a civil matter, you are entitled to choose an arbitrator who practices civil law. If your attorney represented you in a criminal matter, you are entitled to choose an arbitrator who practices criminal law. Please indicate your choice below.

- ☐ I do not have a preference.
- ☐ I want an attorney who practices civil law as an arbitrator.
- ☐ I want an attorney who practices criminal law as an arbitrator.

21. The State Bar filing fee includes the option of voluntary fee mediation in addition to fee arbitration. Fee mediation is a confidential, voluntary process where a neutral third-party mediator helps the parties in an attorney-client fee dispute to reach a mutually agreeable resolution of their dispute. A fee mediator does not represent the parties, act as a judge, or force a decision, but instead, assists the parties in reaching a mutually agreeable settlement. If the dispute is not resolved through mediation, the case will proceed to fee arbitration. Note that both parties must agree to fee mediation in order to proceed.

Do you agree to voluntary fee mediation?

☐ Yes

☐ No

I declare under penalty of perjury under the laws of the State of California that my statements on this request and any attachments are true and correct to the best of my knowledge.

Client's Signature

Date

Client's Printed Name

Second Signature (if more than one person is requesting arbitration)

Date

Second Signatory's Printed Name