

## CLIENTS REQUEST TO ARBITRATE A FEE DISPUTE

To begin arbitration, you must:

- a. Fill out this form and mail it to:

Solano County Bar Association  
Fee Arbitration Committee  
P.O. Box 3524  
Fairfield, CA 94533

- b. Enclose the correct filing fee as determined by Item No. 10 below.  
Send a copy of this form to the attorney by first class mail or have a process server deliver it to the attorney. If you need information on how to find a process server, call your local sheriff.

1. a. Client's name: \_\_\_\_\_  
b. Telephone: \_\_\_\_\_  
c. Address: \_\_\_\_\_  
Box or Street

\_\_\_\_\_  
City County State Zip code

2. a. Attorney's Name: \_\_\_\_\_  
b. Telephone: \_\_\_\_\_  
c. Address: \_\_\_\_\_

\_\_\_\_\_  
City State Zip code

3. What type of case is involved in the dispute (e.g., adoption, bankruptcy, probate)?

\_\_\_\_\_

4. Who is or was the opposing attorney (if any) in the case?

\_\_\_\_\_

Do you have a written fee agreement? \_\_\_ yes \_\_\_ no  
If so, please attach a copy.

5. a. Has the attorney filed suit against you to collect the fee? \_\_\_ yes \_\_\_ no

b. If so, have you filed an answer to the suit? \_\_\_ yes \_\_\_ no

c. Have you filed a civil lawsuit against the attorney? \_\_\_ yes \_\_\_ no

If you have answered Yes to questions 5a, 5b, and/or 5c, call the Fee Arbitration Committee at (707) 422-5087.

6. How much is the attorney claiming you owe in fees and costs? \$ \_\_\_\_\_

7. How much do you think the fees and costs should be? \$ \_\_\_\_\_

8. Subtract the amount in line 8 from the amount in line 7 and enter the difference.

\$ \_\_\_\_\_

10 a. Your filing fee is determined by your answer to question nine. The filing fee shall be an amount which is five percent of the amount in controversy (see line 9), but in no case less than \$50.00 nor more than \$500.00. For example if the amount in controversy is \$1,000 or less, the filing fee is \$50.00. If the amount in controversy is \$2000.00, the filing fee is \$100.00 (5% of \$2000.00).  
If the amount in controversy is \$10,000.00 or more, the filing fee is \$500.00.

**NO FEE DISPUTES WILL BE ARBITRATED WHERE THE AMOUNT IN CONTROVERSY IS LESS THAN \$300.00. SHOULD YOU WISH TO ARBITRATE A FEE DISPUTE FOR LESS THAN \$300.00, CONTACT THE FEE ARBITRATION COMMITTEE FOR REFERRAL TO THE STATE BAR'S ARBITRATION PROGRAM.**

c. Enter the amount of filing fee enclosed. \$ \_\_\_\_\_

d. Please make your check or money order payable to Solano County Bar Association; please do not send cash.

Please give a brief description of the fee dispute (use additional sheets as necessary)

---

---

---

---

---

---

---

**Number of Arbitrators and Composition of Panels**

If the fee dispute is for \$10,000.00 or more, the dispute is heard by three (3) arbitrators, and the panel is composed of two attorneys and one non-lawyer. However, if both you and the attorney agree, you can have the dispute heard by a single (1) arbitrator, who is an attorney, even if the dispute is for \$10,000.00 or more.

Check one:                     I want three (3) arbitrators  
    I want one (1) arbitrator

Disputes for amounts under \$10,000.00 will be heard by one arbitrator who is an attorney.

At the option of the client, one member of a three person arbitration panel or the sole arbitrator shall be an attorney whose area of practice is civil law, if the fee dispute arises out of a civil law matter. If the fee dispute arises out of a criminal law matter then one member of a three person arbitration panel or the sole arbitrator shall be an attorney whose area of practice is criminal law. If you choose to exercise this option, check the appropriate spaces below:

I request that one member of the three-person panel, or the sole arbitrator, be an attorney whose area of practice is:

civil law (because this fee dispute arises out of a civil law matter)

criminal law (because this fee dispute arises out of a criminal law matter)

## Effect of Arbitration

Arbitration, according to Article 13 of the Business and Professions Code, is advisory only, unless both parties agree in writing to be bound. Unless both parties agree in writing to be bound by the result, either party can request a court trial within 30 days of the date on which the arbitration award was mailed. This means that if either the attorney or you are not satisfied with the arbitrators award, you have the right to file in the appropriate civil court for a new trial within 30 days of the date the 'Findings and Award' form is mailed to you. If there is already a lawsuit pending between you and the attorney, a new trial is initiated by filing a rejection of the arbitration award in the pending action. If neither you nor the attorney files for a new trial with this 30 day period, an advisory award automatically becomes final and binding. If you and the attorney both agree to make the arbitration **BINDING**, a new trial may not be requested and the award will be final and binding on both parties.

Check one:     Advisory Arbitration     I agree to Binding Arbitration

## Statutory Arbitration Program

Fee arbitrations conducted by the Solano County Bar Association are in accordance with Business and Professions Code §§ 6200-6206 with the State Bar standards. The fee arbitration program is a statutory fee arbitration program and not a mediation procedure. The parties are advised that should they choose to mediate their dispute, such mediation would be outside the statutory arbitration program and they may thereby waive their right to statutory fee arbitration.

I, \_\_\_\_\_, declare under penalty of perjury that I have sent a copy of the Request for Arbitration by first class mail or arranged to have a process server deliver it to:

Attorney's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date of mailing or service: \_\_\_\_\_

---

Client's Signature

Date

If you have any questions regarding this form, please call the Fee Arbitration Administrator at (707) 422-5087.