

# Instructions and Information for Requesting Fee Arbitration

1. **READ** the *San Mateo County Bar Association Rules of Procedure for Fee Arbitrations* located on our website at [www.smcba.org](http://www.smcba.org) or call to request a copy at 650.298.4023.
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.**
  - a. If you are initiating the fee dispute because you received a *Notice of Client's Right to Arbitration* from the attorney, the request form must be post-marked or received by the Arbitration Program on or before the 30<sup>th</sup> day from the date of your receipt of 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 proceedings against you to collect attorney's fees.
  - b. If you do not understand any part of the form, please call our office to speak to a staff member at the Program's main telephone number: (650) 298.4023.
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, as well as an additional four **(4) copies of your submission**. We suggest that you maintain one set of original documents of your submission for your records.
  - a. **You must also include a check or money order payable to San Mateo County Bar Association 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.
  - b. Mail the request form and your supporting papers, the photocopies, and payment of the filing fee to:

**San Mateo County Bar Association  
Fee Arbitration Program  
333 Bradford Street, Suite 200  
Redwood City, CA 94063**

## OTHER IMPORTANT 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, or the attorney may request fee arbitration. Participation in fee arbitration is required for the attorney, if requested by the client or other person. Participation is 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 an opportunity to the client to also participate in arbitration. Therefore, please provide the client's last known address on the request form.
2. **MEDIATION** – Both parties have the option of going through mediation, prior to going to arbitration. Mediation is a method of alternative dispute resolution in which a neutral third party helps resolve a dispute. The mediator does not have the power to impose a decision on the parties. If a satisfactory resolution cannot be reached, the parties' case will go to arbitration.
3. **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.
4. **FEE DISPUTES INVOLVING \$1,000 OR LESS** – Fee disputes involving \$1,000.00 or less are generally decided without a hearing by the Client Relations Committee 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.
5. **WAIVER OF PERSONAL APPEARANCE** – If you cannot attend the hearing, you may waive your personal appearance (SMCBA Rule 27.0) and have the matter decided on the documents submitted, appear by telephone subject to the Panel Chair's approval, or have someone appear on your behalf. 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 upon request to the Program Staff.