

ATTORNEY/CLIENT
FEE DISPUTES PROGRAM Podcast

WHY USE A FEE DISPUTES PROGRAM?

Welcome to The State Bar of California's podcast about attorney-client fee disputes arbitration programs. These programs are offered by many local bar associations. (For a complete listing of the local bar associations please go to www.calbar.ca.gov and click on Fee Disputes in the Quick Links column.) Fee arbitration programs resolve over 2,000 fee disputes every year. This podcast will explain the many advantages to using these programs when an attorney and client disagree about the amount of fees due or about a refund of fees already paid.

Both clients and attorneys have the right to file for arbitration. The programs are called Mandatory Fee Arbitration because arbitration is mandatory for an attorney if the client elects to participate. Once an attorney delivers the Notice of Your Right to Arbitrate to a client, the client only has 30 days to file for fee arbitration. After 30 days, the client may lose his or her right to arbitrate and the attorney may sue in court for the fees. If the attorney neglected to deliver a Notice of Your Rights to Arbitrate and files a lawsuit, the client may still request arbitration and have the lawsuit stayed (frozen).

The programs are designed so that clients may represent themselves. The forms and program rules are written to be user-friendly. Each local bar association has its own rules, which can be found on their websites. Clients may hire an attorney to represent them in the fee dispute process, but it is not expected or required. The arbitrators are trained to

work with parties that are not represented by an attorney. The fee dispute hearings are typically less formal and less stressful than court proceedings.

Arbitrators are volunteers who have been trained in the essentials of attorney fee dispute law, which includes the skills to make the decision as fair as possible. They will also have experience in the area of law needed for your case.

The parties will be contacted months before a hearing so that a date can be set that is most convenient for them, instead of being ordered by the court to attend on a specific date. At the hearing, you are given the opportunity to state your side of the dispute and ask questions of the other side. The arbitrator will also ask everyone questions to clarify the issues. The average hearing lasts 3 to 4 hours.

At the end of the hearing, the arbitrator will close the matter and you will receive a written decision, called an award, within 30 days. You will not be told the decision at the hearing itself.

There is an administrative fee for this program which depends on the amount in dispute. Even if you are the party who files the request for arbitration and pays the filing fees, the arbitrators can re-assign the filing fee to the other party in their award. Also, you will never be ordered to pay the other side's attorney's fees or costs, as might happen in a court.

And finally, if the arbitrator's award orders that the attorney is to refund fees and you are not paid, the State Bar of California will help you collect those fees, at no charge.

For more information, including forms and rules, please visit our website at www.calbar.ca.gov.