



APPENDIX OF RESOURCES

Lesson 1: Purpose & Background of the Mandatory Fee Arbitration Program	
Screen Title	Rules / Statutes / Authorities
Program Overview and Relationship Between Local and State Bar Programs	<p>Cal. Bus. & Prof. Code, §§ 6200-6206</p> <p>Cal. Bus. & Prof. Code, § 6200(a)</p> <p>Rules of the State Bar, rule 3.505(B)</p> <p>Rules of the State Bar, rule 3.560</p>
Threshold Challenges to Fee Arbitration Jurisdiction	<p>Court Ordered & Statutory Fees</p> <p>Cal. Bus. & Prof. Code, § 6200(b)(3)</p> <p>Arbitration Advisory 1994-02: Jurisdiction to Arbitrate Court-Ordered Fees</p> <p>Effect of Arbitration Clause in Fee Agreement</p> <p>Cal. Bus. & Prof. Code, § 6200(c)</p> <p>Cal. Bus. & Prof. Code, § 6204(a)</p> <p>Arbitration Advisory 1998-01: Impact of Arbitration Clauses in Fee Agreements Upon Client’s Right to Mandatory Fee Arbitration</p> <p>Arbitration Advisory 2008-01: Timing of Agreements to Binding Arbitration</p> <p>Arbitration Advisory 2012-02: Arbitration Agreements</p> <p>Schatz v. Allen Matkins Leck Gamble & Mallory, LLP (2009) 45 Cal.4th 557 [87 Cal.Rptr.3d 700]</p> <p>Lack of Attorney-Client Relationship</p> <p>Arbitration Advisory 2005-01: Jurisdiction of the Mandatory Fee Arbitration Program to Determine the Existence of an Attorney-Client Relationship</p> <p>Wager v. Mirzayance (1998) 67 Cal.App.4th 1187 [79 Cal.Rptr.2d 661]</p>
Statute of Limitations	Cal. Bus. & Prof. Code, § 6201 and § 6206

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What Statute of Limitations Applies?	<p>Cal. Code of Civ. Proc., § 340.6</p> <p>Lee v. Hanley (2015) 61 Cal.4th 1225 [87 Cal.Rptr.3d 700]</p> <p>Arbitration Advisory 2016-01: Statute of Limitations for Fee Arbitrations</p>
Appointment of Fee Arbitrators	<p>Arbitrator Selection</p> <p>Cal. Bus. & Prof. Code, § 6200(e)</p> <p>Arbitration Advisory 1994-03: Avoiding Arbitrator Bias</p> <p>Arbitration Advisory 2015-01: Disclosure Guidelines</p> <p>Cal. Rules of Court, Ethics Standards for Neutral Arbitrators in Contractual Arbitration, Std. 3(b)(2)(C)</p> <p>Conducting a Conflicts Check</p> <p>Arbitration Advisory 1994-03: Avoiding Arbitrator Bias</p> <p>Arbitration Advisory 2015-01: Disclosure Guidelines</p>
Immunity	<p>Cal. Bus. & Prof. Code, § 6200(f)</p> <p>Arbitration Advisory 2007-01: Arbitral Immunity</p>
Types of Arbitration Panels and Panel Members	<p>Cal. Bus. & Prof. Code, § 6200(e)</p> <p>Attorney Arbitrator Qualifications</p> <p>Guidelines and Minimum Qualifications of Arbitrators for the State Bar of California Fee Arbitration Program</p> <p>Considerations Regarding Three-Member Panels</p> <p>Rules of the State Bar, rule 3.573(D)</p> <p>Lay Arbitrator Qualifications</p> <p>Guidelines and Minimum Qualifications of Arbitrators for the State Bar of California Fee Arbitration Program</p>



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Lesson 2: Preparing for the Arbitration Hearing	
Screen Title	Rules / Statutes / Authorities
Identify the Parties	<u>National Union Fire Insurance Company of Pittsburgh v. Stites</u> (1991) 235 Cal.App.3d 1718 [1 Cal.Rptr.2d 570] <u>Wager v. Mirzayance</u> (1998) 67 Cal.App.4th 1187 [79 Cal.Rptr.2d 661]
Review Arbitration Advisories and Perform Legal Research	Cal. Bus. & Prof. Code, § 6203(a) State Bar of California, Arbitration Advisories (webpage)
Ongoing Considerations	Confidentiality Arbitration Advisory 2007-02 : Preserving Client Confidences in Arbitrations Involving Parties Other Than the Client Appearance of Bias Arbitration Advisory 1994-03 : Avoiding Arbitrator Bias Arbitration Advisory 2015-01 : Disclosure Guidelines
Settlements and Stipulated Awards	Cal. Bus. & Prof. Code, § 6203(d) Arbitration Advisory 2015-02 : The Arbitrator's Role in Settlements and Stipulated Awards Stipulated Award template form



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Lesson 3: During the Arbitration Hearing	
Screen Title	Rules / Statutes / Authorities
Arbitration Hearing Script	Arbitration Hearing Script & Checklist
Prehearing Procedure	<p>Administering Oaths and Affirmations</p> <p>Cal. Bus. & Prof. Code, § 6200(g)(2)</p> <p>Agreements to Binding Arbitration</p> <p>Cal. Bus. & Prof. Code, § 6204(a)</p>
Agreements to Binding Arbitration: Stipulation to Binding Arbitration Form	<p>Arbitration Advisory 2008-01: Timing of Agreements to Binding Fee Arbitration</p> <p>Stipulation to Binding Arbitration template form</p>
Nonappearance of a Party	Cal. Bus. & Prof. Code, § 6204(a)
Burden of Proof	Arbitration Advisory 1996-03 : Burden of Proof in Fee Arbitrations
Analyzing the Fee Agreement	<p>Cal. Bus. & Prof. Code, § 6146</p> <p>Cal. Bus. & Prof. Code, § 6147</p> <p>Cal. Bus. & Prof. Code, § 6148</p> <p>Cal. Civ. Code, § 1632</p> <p>Cal. Civ. Code, § 1654</p> <p>Cal. Rule of Professional Conduct 1.5(a) and (b)</p> <p>Arbitration Advisory 2012-01: Voidability of Fee Agreements</p> <p>Arbitration Advisory 1998-03: Determination of a 'Reasonable' Fee</p>
True Retainers	<p>Cal. Rule of Professional Conduct 1.5(d)</p> <p>Arbitration Advisory 2011-01: Enforcement of Non-Refundable Retainer Provisions</p>
Flat Fees	<p>Cal. Rule of Professional Conduct 1.5(e)</p> <p>Cal. Rule of Professional Conduct 1.6(e)(2)</p> <p>Cal. Rule of Professional Conduct 1.15(b)</p>

Lesson 3: During the Arbitration Hearing

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Arbitration Where There is Malpractice or Professional Misconduct	<p>Cal. Bus. & Prof. Code, § 6200(b)(2)</p> <p>Cal. Bus. & Prof. Code, § 6203(a)</p> <p>Arbitration Advisory 2012-03: Handling Legal Malpractice Claims and Ethical Issues During Arbitration</p>
Hypothetical Fee Dispute Analysis	<p>Expert Talk 1: Analysis of the Fee Agreement</p> <p>Cal. Bus. & Prof. Code, § 6148</p> <p>Cal. Civ. Code, § 1654</p> <p>Cal. Rule of Professional Conduct 1.5(d)</p> <p>Cal. Rule of Professional Conduct 1.6(e)(2)</p> <p><u>Bennett v. Potter</u> (1919) 180 Cal 736 [183 P. 156]</p> <p><u>Alderman v. Hamilton</u> (1998) 205 Cal.App.3d 1033 [252 Cal.Rptr. 845]</p> <p><u>Severson Werson v. Bolinger</u> (1991) 235 Cal.App.3d 1569 [1 Cal.Rptr.2d 531]</p> <p>COPRAC Op. No. 1996-147</p> <p>Arbitration Advisory 2011-01: Enforcement of Non-Refundable Retainer Provisions</p> <p>Arbitration Advisory 2012-01: Voidability of Fee Agreements</p> <p>Expert Talk 2: Performing a Reasonable Fee Analysis</p> <p>Cal. Rule of Professional Conduct 1.5(b)</p> <p>Arbitration Advisory 1998-03: Determination of a ‘Reasonable’ Fee</p> <p>Expert Talk 3: When a Client Alleges Malpractice in Fee Arbitration</p> <p>Cal. Bus. & Prof. Code, § 6200(b)(2)</p> <p>Cal. Bus. & Prof. Code, § 6203(a)</p> <p>Arbitration Advisory 2012-03: Handling Legal Malpractice Claims and Ethical Issues During Arbitration</p>



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Lesson 4: Writing the Arbitration Findings and Award and Other Post-Hearing Issues	
Screen Title	Rules / Statutes / Authorities
Drafting the Findings and Award	<p>Findings and Award Template Form Rule of the State Bar, rule 3.544(B) Findings and Award template form</p> <p>Arbitration Award Checklist Arbitration Award Checklist</p> <p>Model Findings and Award Model Findings and Award</p>
Required Elements of the Findings and Award Form	Rule of the State Bar, rule 3.544
Findings and Award Form: Introductory Statement	Cal. Bus. & Prof. Code, § 6203(d) Arbitration Advisory 1994-04 : Identification of “Individual Responsible Attorney” in Fee Arbitration Awards
Nonappearance of a Party at the Hearing	Cal. Bus. & Prof. Code, § 6204(a) Rule of the State Bar, rule 3.544(C)(2)
Findings and Award Form: Undisputed Facts	Rule of the State Bar, rule 3.544(C)(1)
Findings and Award Form: Claims of Parties	Cal. Bus. & Prof. Code, § 6203(a) Rule of the State Bar, rule 3.544(B)(iv)
Findings and Award Form: Issues	Cal. Bus. & Prof. Code, § 6203(a) Rule of the State Bar, rule 3.544(B)(iv)
Findings and Award Form: Findings	Cal. Bus. & Prof. Code, § 6203(a) Rule of the State Bar, rule 3.544(C)(1)
Findings and Award Form: Allocation of Filing Fee	Cal. Bus. & Prof. Code, § 6203(a) Rule of the State Bar, rule 3.544(C)(5)

Lesson 4: Writing the Arbitration Findings and Award and Other Post-Hearing Issues	
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Findings and Award Form: Award	Cal. Bus. & Prof. Code, § 6203(a) Rule of the State Bar, rule 3.544 Arbitration Advisory 2020-01 : Awarding Interest as Part of the Fee Arbitration Award
Program Review and Service of the Findings and Award	Rule of the State Bar, rule 3.544(F)
Dissenting Opinions	Rule of the State Bar, rule 3.544(B)iii
Post-Award Issues	Correction or Amendment of Awards Cal. Code of Civ. Proc., § 1286.6 Rule of the State Bar, rule 3.545 Arbitration Advisory 2014-01 : The Amendment or Supplementation of Arbitration Awards Referrals to the Office of Chief Trial Counsel Rule of the State Bar, rules 3.512(C) and 3.546