

**CLIENT'S REQUEST TO ARBITRATE A FEE DISPUTE
AND AUTOMATIC STAY OF PROCEEDINGS
Business & Professions Code Section 6201(c)**

To begin arbitration and stop the lawsuit (if applicable) you must:

- o Fill out this form and mail it to:

**DESERT BAR ASSOCIATION
Fee Resolution Committee
PO Box 13718
Palm Desert, CA 92255-3718
(760) 851-4886**

- o Once this form and any accompanying documents have been received by the Desert Bar Association *Fee Resolution Committee*, the committee will send a copy of this request and accompanying documents to the attorney.
- o Enclose the appropriate filing fee (See No. 11 below). If a lawsuit is pending, deliver a copy of this form together with a Notice of Automatic Stay of Proceedings to the Clerk of the Court in which the lawsuit is pending. Attach a Clerk's file stamped copy of the Notice of Automatic Stay to this document.

NOTE: Business & Professions Code Section 6201(b) and (c) provide for an automatic stay of proceedings in any Court action filed by the attorney against you for collection of fees. The automatic stay does not apply to an action in which you are the plaintiff or cross-complainant, or in which you have already filed an answer as a defendant. The automatic stay will be lifted upon the award of the arbitrators being issued or other terminations of the arbitration proceeding.

1. CLIENT'S NAME _____
ADDRESS: _____
PHONE: _____ (City) _____ (Zip)

2. ATTORNEY'S NAME: _____
ADDRESS: _____
PHONE: _____ (City) _____ (Zip)

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

4. Do you have a written fee agreement? Yes ____ No ____ **If so, please attach a copy.**

5. (a) Has the attorney filed a suit against you to collect the fees? Yes _____ No _____
- (b) If so, have you filed an answer to the suit? Yes _____ No _____
6. Have you filed a civil lawsuit against the attorney? Yes _____ No _____

If you have answered YES to questions 5(a), 5(b) and/or 6, fill out the enclosed Notice of Automatic Stay, file it with the appropriate court, and attached a copy of the Notice. Indicate COURT and CASE NO. _____.

7. (a) Has the attorney sent you a written Notice of Client's Right to Arbitrate? Yes _____ No _____ (If yes, ATTACH A COPY OF THE NOTICE.)
- (b) If yes, on what date did you receive the written notice? _____
8. What is the total amount of attorney's fees you have paid to date? _____
9. What is the amount of additional attorney's fees, if any, the attorney is claiming you owe? _____
10. How much do you think the total fee should be? _____
11. Add Lines 8 and 9 and subtract Line 10 and enter the amount in dispute. _____
12. **Filing fee is 5%** of the amount in dispute (Line 11) _____
 (But with a minimum fee of \$150.00 and maximum fee of \$5,000.00)

NOTE: FILING FEE IS NON-REFUNDABLE (SEE RULE 19.3). Please make your check payable to the DESERT BAR ASSOCIATION and attach it to the original of this form and mail both with any attachments to, Desert Bar Association Fee Resolution Committee at the above address. The Desert Bar Association does not offer a fee waiver to any participant. If you require a fee waiver, you are requested to contact the State Bar of California at (415) 538-2020.

13. Please give a brief description of the fee dispute (use additional sheets as necessary). PLEASE PRINT OR TYPE:

14. (a) **Effect of Arbitration**

Arbitration according to Article 13 of the Business and Professions Code is called ADVISORY ARBITRATION (NON-BINDING), meaning that: If either you or the attorney are not satisfied with the arbitrator(s) award, you have the right to seek a trial by commencing an action in the appropriate court within 30 days of the date of the arbitrator(s) findings and award is mailed to you. If neither party seeks a trial within thirty (30) days, the award will become BINDING. (Business and Professions Code Section 6203(b).

However, you and the attorney may agree to make the arbitration BINDING, which means that once the arbitrator makes an award, no further proceeding will be possible (except with certain limited exceptions). Both parties must agree to binding arbitration before it becomes binding. If both parties do not agree to binding arbitration the arbitration will be a non-binding one. (A binding arbitration may save time and future court costs).

(b) Do you agree to enter into binding arbitration? _____ Yes _____ No

15. For each dispute a panel shall be assigned by the Fee Arbitration Chair or Arbitration Administrator from the Desert Bar pool of arbitrators. A panel shall consist of one (1) attorney arbitrator for disputes involving \$25,000 or less, and **for disputes of any amount where the arbitrator's award is non-binding.** At the request of any party to the dispute, three (3) arbitrators will be assigned to hear a dispute involving \$25,000 or more, **provided all parties have stipulated that the award of the panel will be binding.**

16. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____
Client's signature

NOTE: You are entitled to choose whether one attorney arbitrator in a three person panel or the sole arbitrator in a matter heard by one arbitrator practices either civil or 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.

NOTE: Awards in fee dispute matters are not intended to be determinate of the quality of the attorney's work or the appropriateness of the attorney's professional conduct or lack thereof.

If you have any questions regarding this form, please call the DESERT BAR ASSOCIATION Fee Resolution Committee, at (760) 851-4886 or write to this Committee at the address on page 1 of this form.