

Information regarding Mediation/Arbitration of an Attorney/ Client Dispute

While we cannot give you legal advice about your dispute, we are available to assist you with understanding the program and the procedures.

For a better understanding of your rights read the Rules of Procedure for Fee Arbitrations.

General information to have your dispute arbitrated:

1) **Complete, sign and return** the Client's *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.** If you are initiating the fee dispute because you received a *Notice of Client's Right to Arbitration* from the attorney, **a returned form will affect your filing date.** The filing date is the day that our office receives your completed form. If you do not file by the 30-day deadline as stated in the notice, you will have waived your right to arbitration, thereby allowing the attorney to sue you to collect fees. If you do not understand any part of the form or if you need help in completing it, please do not hesitate to call the Attorney/ Client Fee Dispute Program at 310-601-2442.

2) The complete original forms should be sent with either:

- **Two (2)** copies of the original form and your supporting documents if the dispute amount is **less than \$10,000.**
OR
- **Three (3)** copies of the original form and your supporting documents if the dispute amount is **\$10,000 or more.**

3) The filing fee **must be submitted** when you file your request for arbitration. The filing fee is payable by check, to the BHBA, or by a credit card (Visa, MasterCard or American Express) and is:

\$50 plus 5% of the amount in dispute for disputes up to \$10,000

**\$50 plus 7% of the amount in dispute for disputes over \$10,000
(maximum of \$5,000)**

4) This fee entitles you to up to four (4) hours of mediation time and /or four (4) hours of arbitration time. If the matter resolves in mediation, the fee can be part of the resolution agreement. If the matter proceeds to arbitration, the fee is then allocated in the arbitration award. This means that the arbitrator may direct that the other side refunds to you part or the entire fee you paid to BHBA. Of course, it depends on the outcome of your arbitration. (Please refer to the Rules of Procedure for possible additional fees. See: Arbitrator Compensation.)

Types of Cases That the BHBA Can Accept

Normally, we hear cases involving attorneys in Los Angeles County. However, if a majority of the work is done in Los Angeles County or the attorney has a Los Angeles County address when hired, we can hear the matter. Further, the amount in dispute must be more than \$1,000. If the dispute is \$1,000 or less, the chair, for good cause shown, determines if the arbitration should be permitted. If your dispute is with an attorney with an address outside of Los Angeles County, you should contact the Bar Association in the county in which the attorney practices.

Arbitrators and Mediators

All arbitrators and mediators have met training requirements. To insure an impartial and fair hearing, our arbitrators and mediators are carefully screened. Also, parties have the right to object to an arbitrator or mediator.

Who Can Request Arbitration

Only the person or entity represented by the attorney can request arbitration. If someone else is being charged for the fees, the client must make the request and include that person as a party. Both the client and the other party must sign the request form.

Stay of Proceedings

If you have been sued, you may stay the action by filing a *Notice of Automatic Stay* form with a copy of your completed request for arbitration with the court and the attorney. This means that we will stop the proceeding until the mediation/ arbitration is complete. You may call this office for the appropriate form to notify the attorney and the court that the action has been stayed pending arbitration.

Waiver of Personal Appearance

If you cannot attend the hearing, you may waive your personal appearance and have the matter decided on the documents submitted or have someone appear for you. If you are to waive your personal appearance or if you want someone else to appear for you, you must complete a *Waiver of Personal Appearance* form. Please contact our office for this form.

If we can be of assistance, please do not hesitate to call the Attorney/ Client Fee Dispute Program at 310-601-2442.