

YUBA-SUTTER RULES OF PROCEDURE FOR FEE ARBITRATION
(Amended March 2009, Approved by State Bar of California)

TABLE OF CONTENTS

ARTICLE I.	DEFINITIONS	2
ARTICLE II.	ARBITRATION GENERALLY	2
	Rule 2.0 Arbitration Mandatory for Attorneys	2
	Rule 3.0 Party's Failure to Respond or Participate	2
	Rule 4.0 Disputes Covered	3
	Rule 5.0 Non-Binding and Binding Arbitration	3
	Rule 6.0 Withdrawal of Binding Arbitration Election	3
	Rule 7.0 Right To Counsel	4
	Rule 8.0 Waiver of Right to Request or Maintain Arbitration	4
	Rule 9.0 Stay Of Proceedings	4
ARTICLE III.	PROGRAM	4
	Rule 10.0 Determination of Jurisdiction	4
	Rule 11.0 Jurisdiction by the Program	5
	Rule 12.0 Removal to the State Bar of California	5
	Rule 13.0 Effect Of Failure to Adhere to Time Requirements	6
ARTICLE IV.	INITIATION OF ARBITRATION PROCEEDING	6
	Rule 14.0 Request for Arbitration	6
	Rule 15.0 Filing Fee	6
	Rule 16.0 Request For Filing Fee Waiver	6
	Rule 17.0 Response To Request For Arbitration	7
	Rule 18.0 Settlement of Disputes; Withdrawal From Arbitration	7
	Rule 19.0 Consolidations	7
ARTICLE V.	PANELS	8
	Rule 20.0 Appointment Of Panel	8
	Rule 21.0 Notice Of Appointment Of Panel	8
	Rule 22.0 Challenge Disqualification Of Arbitrator(s)	8
	Rule 23.0 Discharge Of Arbitrator Or Panel	8
	Rule 24.0 Prohibited Contacts With Arbitrators	8
ARTICLE VI.	THE HEARING	9
	Rule 25.0 Confidentiality	9
	Rule 26.0 Waiver Of Personal Appearance	9
	Rule 27.0 Subpoenas	9
	Rule 28.0 Commencement of Hearing; Notice; Attendance	9
	Rule 29.0 Stipulations Encouraged	10
	Rule 30.0 Oaths	10
	Rule 31.0 Evidence	10
	Rule 32.0 Clarification Of Issues And Exchange Of Documents	10
	Rule 33.0 Interpreter	10
	Rule 34.0 Transcripts or Recordings	10
	Rule 35.0 Compensation of Arbitrators; Administrative Charges	10
ARTICLE VII.	AWARD	11
	Rule 36.0 Award	11
	Rule 37.0 Correction Of Award By Hearing Panel	12
ARTICLE VII I.	SERVICE; ADDRESS	12
	Rule 38.0 Service	12

**ARTICLE I
DEFINITIONS**

RULE 1.0. Definitions.

As used in this chapter:

- 1.1 **ACTION:** A civil judicial proceeding brought to enforce, redress or protect a right.
- 1.2 **ADMINISTRATOR:** The staff person responsible for administering the Yuba-Sutter Bar Association's Fee Arbitration Program.
- 1.3 **AWARD:** The decision of the arbitrator or arbitrators in the fee arbitration proceeding.
- 1.4 **CLIENT:** A person who directly or through an authorized representative consults, retains or secures legal services or advice from an attorney in the attorney's professional capacity.
- 1.5 **PRESIDENT:** The President of the Yuba-Sutter Bar Association or the President's designee who is the person responsible for supervising the program's fee arbitrators and for ruling on matters as set forth in these rules.
- 1.6 **DECLARATION:** A declaration is a document in compliance with the requirements of Code of Civil Procedure section 2015.5, or an affidavit.
- 1.7 **FILE:** Fee arbitration records and papers in a specific fee arbitration case.
- 1.8 **HEARING PANEL:** One or three arbitrators assigned to hear the fee dispute and to issue the award.
- 1.9 **PANEL CHAIR:** Refers to either the sole arbitrator or Panel Chair of a three-member panel assigned to hear a matter. The Panel Chair is responsible for ruling on matters pertaining to the individual case assigned as set forth in these rules.
- 1.10 **PARTY:** A person who initiates or is named in an arbitration proceeding under these rules, including an attorney, a client or other person who is not the client but may be liable for payment of, or entitled to a refund of attorney's fees.
- 1.11 **PROGRAM:** Unless indicated otherwise, reference to the program means the Mandatory Fee Arbitration Program of the Yuba-Sutter Bar Association (YSBA).
- 1.12 **STATE BAR:** The State Bar of California. Unless indicated otherwise, reference to the State Bar means the State Bar's Office of Mandatory Fee Arbitration.

**ARTICLE II
ARBITRATION GENERALLY**

RULE 2.0 Arbitration Mandatory For Attorneys

Arbitration under Business and Professions Code sections 6200-6206 is voluntary for a client, unless the parties agreed in writing to submit their fee disputes to arbitration, and mandatory for an attorney if commenced by a client.