

REQUEST FOR ARBITRATION OF A FEE DISPUTE

The Yuba Sutter Bar Association's fee arbitration matters are governed by the rules of procedures, which were sent to you with this form. If you do not have a copy, contact the following address immediately. You should read the rules carefully. Mail this Form and Filing Fee to:

Yuba Sutter Bar Association
c/o Courtney E. Gengler
1215 Plumas Street, Suite 1800
Yuba City, CA 95991

Please print or type:

1a. CLIENT:

Name

Address

City State Zip

Area Code & Daytime Phone Number

1b. NAME OF ATTORNEY:

Name

Address

City State Zip

Area Code & Daytime Phone Number

2. If you are, or will be represented by an attorney in the arbitration, provide the following:

Name

Address

City State Zip

Area Code & Daytime Phone Number

3. In what county were most of the legal services provided? _____

4.a. When did the client hire or first talk with attorney? _____

b. When did the attorney stop representing the client? _____

5. What type of case was the attorney handling for the client (divorce, criminal, etc.):

6. Do you have a written fee agreement? (If yes, attach a copy) Yes _____ No _____

7.a. Did the attorney give the client a written notice of the client's right to arbitration? Yes _____ No _____

b. If yes, what date did the client receive the written notice: _____
or

c. If yes, what date did the attorney send the written notice to client: _____

8.a. Has the attorney filed a lawsuit against the client to collect the fees or costs? (If yes, attach a copy of the Complaint) Yes _____ No _____

b. If the client has been sued, has the client answered the suit? Yes _____ No _____
(If yes, attach a copy of the Answer)

9.a. Has the client filed a lawsuit against the attorney? Yes _____ No _____
(If yes, attach a copy of the Complaint)

b. If the attorney has been sued, has the attorney answered the suit? Yes _____ No _____
(If yes, attach a copy of the Answer)

10. Were the fees ordered by the court or set by law? Yes _____ No _____

11. If the client is requesting Arbitration, please state:

a. Amount client has already paid to attorney
\$ _____

b. Amount the attorney says client owes \$ _____

c. Add lines 11a and 11b \$ _____

d. Amount client thinks the attorney should be paid
\$ _____

e. Subtract line 11d from line 11c. **This is the Disputed Amount.**
\$ _____

12. If attorney is requesting Arbitration, please state:

a. Amount client has already paid to attorney
\$ _____

- b. Amount the attorney says client owes \$ _____
- c. Add lines 12a and 12b \$ _____
- d. Amount attorney thinks the client should pay \$ _____
- e. Subtract line 12d from line 12c. **This is the Disputed Amount.**
\$ _____

13. Filing Fee:
(Make check or money order payable to the Yuba Sutter Bar Association.)
Do not send cash.

- a. Disputed Amount is \$15,000.01 or more \$100.00 filing fee
- b. Disputed Amount is \$15,000.00 or less \$50.00 filing fee

14. If the client is requesting Arbitration, please describe why you think the attorney's fee is too high. (Attach additional sheets if needed)

15. If attorney is requesting Arbitration, please describe why you think the client still owes fees or attach copies of unpaid billings and services rendered. (Attach additional sheets if needed.)

16. If the fee dispute is \$15,000.00 or less, it is heard by one (1) arbitrator. If it is for \$15,000.01 or over, it is heard by three (3) arbitrators. If both the client and the attorney agree, the dispute can be heard by one (1) arbitrator, even if the dispute is for over \$15,000.00. Check the appropriate box.

- _____ My dispute is for \$15,000.00 or less
- _____ My dispute is for \$15,000.01 or over and I **agree** to one (1) arbitrator.
- _____ My dispute is for \$15,000.01 or over and I **do not agree** to one (1) arbitrator.

17. Unless both the client and the attorney agree in writing to **BINDING ARBITRATION**, this arbitration is **NON-BINDING**. This means that if the client or attorney is not happy with the award, either party has the right to ask for a new trial in a civil court within 30 days from the date the award is mailed to you. If neither of you ask for a new trial in 30 days, the award automatically becomes final and binding.

If the client and the attorney BOTH agree in writing to make the arbitration **BINDING**, a new trial may not be requested and the award immediately becomes final and binding on both of you.

Do you agree to binding arbitration? Yes _____ No _____

18. If the client is requesting Arbitration, the client is entitled to choose an arbitrator who practices in civil law if the attorney represented the client in a civil matter. If the attorney represented the client in a criminal matter, the client is entitled to choose an arbitrator who practices criminal law. Please indicate your choice below.

- _____ I do not have a preference.
_____ I want an attorney who practices in civil law as an arbitrator.
_____ I want an attorney who practices criminal law as an arbitrator.

19. For good cause, the client may include, as a party to the arbitration, any person who is not the client of the attorney, but who may be liable for or is entitled to a refund of attorney's fees. If you wish to include such a person, please state the name, address, and daytime phone of the person below. That person must sign this Request as well as the client.

Name of Other Person

Address

City State Zip

Area Code & Daytime Phone Number

I declare under penalty of perjury under the laws of the State of California that my statements on this Request and any attachments are true and correct.

Date

Client or Attorney

Date

Other Interested Party