

Excerpt from the Santa Clara County Bar Association Rules for Attorney-Client Fee Arbitrations

(Effective March 1, 2011; Amended July 18, 2012; Amended December 22, 2014)

Requested Amendment to Rule 15.3. Filing Fee Schedule

#### **ARTICLE IV.**

#### **INITIATION OF ARBITRATION PROCEEDING**

##### **RULE 14.0 Request For Arbitration.**

14.1 Arbitration may be initiated by a client, an attorney or a third party entitled to request mandatory fee arbitration.

14.2 An Arbitration is initiated by filing a written "Request For Arbitration" with the program on the approved program form and paying the appropriate filing fee as established by the program. Service of the request on the other party with whom there is a fee dispute named on the request form shall be made by the program.

14.3 At the time of service of a request on an attorney, the program shall serve with it a copy of the approved "Notice of Attorney Responsibility" form. If the form was not previously served, the program must serve this form no later than the time of service of the notice appointing the arbitration panel.

14.4 The party requesting arbitration may amend the request up to fifteen (15) calendar days after mailing it to the program, unless a request for clarification is made by the program. Thereafter, it may be amended only with the approval of the Committee Chair or by the Panel Chair, if a notice of assignment of the hearing panel has been served on the parties.

14.5 The request for arbitration may be made by (i) a person who is not the client but who may be liable for or entitled to a refund of attorney's fees or costs ("non-client"), or (ii) the attorney claiming entitlement to fees against a non-client. A fee arbitration between an attorney and a non-client is not intended to abrogate the requirement that the attorney exercise independence of professional judgment on behalf of the client or the protection of client confidences and secrets. Absent the client's written consent to disclosure of confidential information, a fee arbitration with a non-client is not intended to abrogate the attorney's duty to maintain client confidences and secrets, unless such disclosure is otherwise permitted by law. Absent the client's signature on the request for arbitration, when arbitration with a non-client is initiated, the program will give notice of the request to the client by first class mail at the client's last known address.

##### **RULE 15.0 Filing Fee.**

15.1 The party requesting fee arbitration or mediation shall pay a filing fee with the request form. The arbitrator shall, at his or her discretion, allocate the entire amount of the filing fee, or a portion thereof, to one or more of the parties. Such allocation shall be clearly stated in the Award.

15.2 The joining of additional parties as petitioner or respondent shall not increase the filing fee.

**RULE 15.3 Filing Fee Schedule.**

At the time of submission of the request, the party requesting arbitration or mediation must pay the required filing fee according to the following schedule, or obtain a fee waiver pursuant to Rule 16.

No request will be processed without the proper fee:

IF THE DISPUTED AMOUNT IS BETWEEN:

THE FILING FEE REQUIRED IS:

~~{Deleted Text Begins}\$ 0 - \$ 1,000 ----- \$ 50.00~~

~~\$ 1001 - \$ 5,000 ----- \$ 150.00~~

~~\$ 5,001 - \$ 10,000 ----- \$ 250.00~~

~~\$ 10,001 and above 3% of the amount in dispute with a \$7,500.00 maximum fee. [Deleted Ends]~~

[Inserted Text Begins]\$ 0-\$ 1,000 \$ 54.00

\$ 1001-\$ 5,000 \$ 162.00

\$ 5,001 -\$ 10,000 \$ 270.00

\$ 10,001 and above 8% of the amount in dispute with a \$7,500.00 maximum fee [Inserted Text Ends]