

Summary of 2011 Year-end Accomplishments of the
Committee on Mandatory Fee Arbitration
Submitted by Doug Hull, Director
State Bar Office of Mandatory Fee Arbitration
Tel: 415-538-2015
doug.hull@calbar.ca.gov

This report covers the accomplishments of the State Bar's Committee on Mandatory Fee Arbitration ("CMFA") for Year 2011.

SUMMARY OF KEY ACCOMPLISHMENTS

Year-end highlights for 2011 include:

- Presented five (5) basic fee arbitrator training programs at local bar associations. These trainings provide three free hours of MCLE credit to attorneys and serve as recruitment for volunteer arbitrators. Two programs were held in Northern California, where the number of State Bar arbitrators is quite low. The CMFA was able to increase the number of arbitrators in that region.
- Presented two (2) advanced fee arbitrator trainings in conjunction with local bar associations. These trainings are offered to help existing arbitrators brush up on their skills. The advanced program delves more deeply into topics presented in the basic training.
- Presented three (3) MCLE Programs at the 2011 State Bar Annual Meeting. These programs were developed to teach State Bar members approaches to handling attorney fee disputes and inform them of recent developments.
- Participated in the Small Firm Summit offered by the State Bar of California in Anaheim. Three committee members presented "Mandatory Fee Arbitration: The Good, The Bad and There is No Ugly." The program provided a high-level overview of the Mandatory Fee Arbitration process, providing guidance to solo and small firm practitioners when they experience a fee dispute with a client.
- Gave presentations to the Los Angeles Superior Court ADR Committee and the San Diego Superior Court. Both programs were entitled "Lighten Your Load: Mandatory Fee Arbitration in California." The presentations focused on the effect of the MFA statute on civil complaints involving fee disputes between attorneys and clients.

- Arbitration Advisories issued by the CMFA to provide guidance to arbitrators on specific issues that have arisen throughout the years. They are advisory in nature, and provide valuable assistance to local bar programs and volunteer arbitrators. In 2011, the CMFA conducted a thorough audit of the Advisories to ensure that information in the Advisories is accurate and up to date. As a result of the review, the CMFA updated two Arbitration Advisories:
 - 2011-01 "The Statute of Limitations for Fee Arbitrations"; and
 - 2011-02 "The Enforcement of Non-refundable Retainer Provisions in Fee Agreements"
- Held a Program Administrators Roundtable. This roundtable offered local bar fee arbitration programs the chance to network with each other and with State Bar staff. Local bar programs asked questions of and expressed concerns to bar staff and the Chair of the Committee on Mandatory Fee Arbitration.
- Facilitated approval of five (5) revised local bar rules of procedure, bringing most of California's 40 MFA local bar programs into compliance with the Model Rules of Procedure for Fee Arbitrations.