

Summary of 2012 Year-end Accomplishments of the  
Committee on Mandatory Fee Arbitration  
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This report covers the accomplishments of the State Bar's Committee on Mandatory Fee Arbitration ("CMFA") for Year 2012.

SUMMARY OF KEY ACCOMPLISHMENTS

Year-end highlights for 2012 include:

The Committee on Mandatory Fee Arbitration presents educational programs related to fee arbitration and the resolution of fee disputes throughout the year. In 2012, the following programs were presented by the CMFA:

- Eleven (11) 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 (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.
- Four (4) MCLE Programs at the 2012 State Bar Annual Meeting. These programs were developed to teach State Bar members approaches to creating an appropriate fee agreement, billing, liens and attorney conduct in fee disputes.
- Panel at the Small Firm Summit offered by the State Bar of California in Anaheim—"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.

The CMFA is also responsible for reviewing the rules of local bar association fee arbitration programs to ensure they are in compliance with the Minimum Standards and Guidelines. This year, three local bar programs requested to modify their rules of procedure. In addition, the CMFA reviews rules regarding fee mediation programs.

- Facilitated approval of three (3) revised local bar rules of procedure, bringing most of California's MFA local bar programs into compliance with the Model Rules of Procedure for Fee Arbitrations.
- Authorized for approval new rules of procedure for fee mediation for a local bar program, bringing the total number of fee mediation programs throughout the state to six.

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. The CMFA updated two Arbitration Advisories in 2012 and posted a new Advisory on the MFA website.

The following Advisories were updated:

- 2012-01 "Voidability of Fee Agreements"
- 2012-02 "Arbitration Agreements"

The following new Advisory was approved by the Committee:

- 2012-03 "Handling Legal Malpractice Claims and Ethical Issues During Arbitration"

The CMFA is also responsible to ensure that forms, notices, rules and procedures of the MFA program are consistent with various statutes, rules and codes related to the program. In 2012, the MFA reviewed and approved modifications to the following items for approval by the State Bar Board of Trustees:

- Modified the "Notice of Client's Right to Fee Arbitration", which is currently before RAD and the Board of Trustees for final adoption.
- Reviewed and approved updated Rules of Procedure for Fee Arbitrations and the Enforcement of Awards by the State Bar of California.