

AGENDA ITEM

DATE: June 27, 2014

TO: Members, Regulation, Admissions and Discipline Oversight

FROM: Douglass Hull, Director, Mandatory Fee Arbitration

SUBJECT: Proposed Modifications to Contra Costa County Bar Association Rules for Procedure for Fee Arbitrations

EXECUTIVE SUMMARY

This agenda item is before your Committee to approve the proposed rule amendments to the Contra Costa County Bar Association (“CCCBA”) Rules of Procedure For the Hearing of Fee Arbitrations & Mediations by the Contra Costa County Bar Association, as set forth in Attachment A.

The State Bar’s Committee on Mandatory Fee Arbitration (“CMFA”) has reviewed the proposed changes and has determined that they comport with the Minimum Standards and Guidelines for the Operation of Mandatory Fee Arbitration Programs (“Minimum Standards”) as approved by the State Bar Board of Trustees.

Any questions about this item should be directed to Director Douglass Hull (415) 538-2015 or doug.hull@calbar.ca.gov.

BACKGROUND

Pursuant to Business and Professions Code section 6200(d), local bar associations are authorized to sponsor mandatory fee arbitration programs. The programs’ local rules of procedure must comply with the Business and Professions Code 6200-6206 and the Minimum Standards. Approval by the Board of Trustees gives the local bar programs jurisdiction to arbitrate fee disputes submitted under the auspices of the Mandatory Fee Arbitration Program (Minimum Standards, para. 1) and provides fee arbitration program staff, directors and volunteer arbitrators the same immunity which attaches in judicial proceedings (Bus. & Prof. §6200(f)).

CCCBA’s rules were last approved in April 2013 by this committee. In March 2014, CCCBA submitted the proposed updates as outlined in this document and attached

hereto as Attachment A. New language is displayed in color and language to be deleted is stricken.

ISSUE

In March, 2014, the CCCBA proposed modifications to their Rules of Procedure for handling fee arbitrations. The CMFA reviewed the proposed changes at their May 2014 meeting. The rule modifications were approved with the caveat that the CCCBA accept other changes recommended by the CMFA to help bring the rules into compliance with the Minimum Standards and Guidelines. The CCCBA accepted those modifications. The attachment is the work product derived from the discussions between the CMFA and the CCCBA.

FISCAL / PERSONNEL IMPACT:

None.

RULE AMENDMENTS:

None.

BOARD BOOK IMPACT:

None.

RECOMMENDATION

The CMFA recommends that RAD approved the modifications to the Rules of Procedure For the Hearing of Fee Arbitrations & Mediations by the Contra Costa County Bar Association.

PROPOSED BOARD COMMITTEE RESOLUTION:

Should the Regulation, Admissions and Discipline Oversight agree with the above recommendation, the following resolution would be appropriate:

RESOLVED, that the Regulation, Admissions and Discipline Oversight approves the proposed amendments to the Rules of Procedure For the Hearing of Fee Arbitrations & Mediations by the Contra Costa County Bar Association in the form attached hereto as Attachment A as being in compliance with the Business and Professions Code section 6200-6206 and the Guidelines and Minimum Standards for the Operation of Mandatory Fee Arbitration Programs.