

The State Bar of California  
Committee on Mandatory Fee Arbitration  
Guidelines & Minimum Qualifications of Arbitrators  
for the State Bar Fee Arbitration Department

~~(Adopted by the State Bar Committee on Mandatory Fee Arbitration 2001; revised May 12, 2006; revised January 12, 2007)~~

I. ~~I.~~ Arbitrator Appointments Selection Committee

The ~~Arbitrator~~ Appointments Selection Committee shall consist of the Presiding Arbitrator and the Program Director of the State Bar of ~~California's Office of~~ California Mandatory Fee Arbitration Department. Recommendations for appointments of arbitrators are submitted to the appropriate State Bar Board Committee, which in turn forwards its recommendations to the full Board of ~~Governors~~ Trustees of the State Bar for appointment.

II. Guidelines for Minimum Qualifications of ~~All Arbitrator Applicants~~ Arbitrators

- A. The following guidelines are intended to set forth the minimum qualifications for lawyer and non-lawyer arbitrator appointments as well as the retention of appointees on the arbitrator panel. Any information provided by the applicant on his or her application form will be evaluated and could be used as grounds for exclusion from appointment. An ~~applicant's~~ applicant's failure to show, upon request of the ~~Arbitrator~~ Appointments Selection Committee, that he/she affirmatively meets these minimum qualifications may result in the rejection of an applicant or removal of an arbitrator from the Fee Arbitration Department.

~~Conviction of a crime for any felony or misdemeanor may constitute grounds for rejection of the applicant or removal from the State Bar Fee Arbitration Department panel. The filing of disciplinary charges with the State Bar Court or imposition of any public discipline by the State Bar Court or a federal court authorized to impose comparable professional discipline against attorneys may constitute grounds for rejection of an application or removal from the panel.~~

- B. ~~All~~ In addition, the Appointments Selection Committee may consider, within its sole discretion, any additional factors it may deem relevant in connection with any decision to accept or exclude any applicant.

III. Appointment to the Mandatory Fee Arbitration Panel

- A. Requirements of All State Bar Fee Arbitrators

Prior to assignment to a panel, arbitrators ~~shall have attended, or committed~~ are required to attend ~~prior to the acceptance of an arbitration assignment,~~ at least one comprehensive training program for arbitrators on attorney fee arbitration ~~matters in the last five years offered by~~ through a local bar association or the State Bar of California ~~or currently serve as a fee arbitrator on a local bar fee arbitration program in California.~~

~~A. Appointment to the Fee Arbitration Department~~

B. Lawyer Arbitrators

To be qualified for appointment as a lawyer arbitrator, an applicant must:

- (1) ~~(1)~~ be, and have been for at least five years, an active member in good standing with the State Bar of California; or
- (2) be a retired judge who is an active member of the State Bar of California; and

~~(2) no applicant shall not~~ have a pending professional disciplinary matter filed with the State Bar Court ~~or, any federal court or agency, or other state bar discipline authority.~~ Conviction of a crime for any felony or misdemeanor required to be reported under Business & Professions Code section 6068(o)(5) may constitute grounds for rejection of the applicant. The imposition of any public ~~professional~~ discipline by the State Bar ~~of California Court,~~ or ~~by any~~ a federal court or agency or other state bar discipline authority authorized to impose comparable professional discipline against attorneys ~~at any time. The existence of any pending federal or other state bar discipline may be considered~~

- (3) ~~by the Appointments Selection Committee as also constitute~~ grounds for denial ~~rejection~~ of ~~appointment to the Fee~~ an application. ~~Arbitration Department.~~

1. Non-Lawyer Arbitrators

To be qualified for appointment as a non-lawyer arbitrator ~~with the State Bar of California's Mandatory Fee Arbitration Department,~~ an applicant must:

- (1) ~~(1)~~ provide sufficient information to the Appointments Selection Committee to its satisfaction concerning his or her business, professional or volunteer experience, education, or other relevant qualifications to serve as an arbitrator; and
- (2) have never ~~have~~ been an active or inactive member of ~~a~~ the bar of ~~the highest court of any federal court or~~ any state ~~nor~~ or the District of Columbia; and
- ~~(2)~~ (3) have never worked regularly for ~~any court,~~ a public or private law ~~firm,~~ attorney, office or bar association, practice, court of law or attended law school for any period of time; and

~~(3)(4) Paralegal assistants~~ have never worked as a paralegal, law firm staff, ~~and law clerks shall not serve as lay arbitrators~~ or law clerk.

~~B. Requirements of All State Bar Arbitration Department Arbitrators~~

~~During the term of service with the Department, all arbitrators are required to report to the Program Director the existence of any criminal conviction, whether misdemeanor or felony.~~

(5) have never been convicted of a felony, or a misdemeanor involving dishonesty or other moral turpitude, or an attempt or a conspiracy or solicitation of another to commit a felony or a misdemeanor of any type.

IV. Ongoing Requirements

A. During the term of service, all lawyer arbitrators are required to report to the Program Director the existence of any professional disciplinary complaint filed with the State Bar Court or imposition of public professional discipline by the State Bar of California or by any federal court or agency authorized to impose comparable professional discipline against attorneys.

B. During the term of service, all lawyer arbitrators are encouraged ~~required~~ to report to the Program Director the existence of any criminal conviction of a felony or misdemeanor required to be reported under Business & Professions Code section 6068(o)(5).

C. During the term of service, all non-attorney arbitrators are required to report to the Program Director the existence of any criminal conviction of a felony, or a misdemeanor involving dishonesty or other moral turpitude, or an attempt or a conspiracy or solicitation of another to commit a felony or a misdemeanor of any type.

D. Once appointed, all arbitrators shall attend ~~and submit proof of attendance of at least one~~ a comprehensive training ~~program for arbitrators on attorney fee arbitration through a local bar association or the State Bar of California~~ at least once every five (5) years ~~of service on the Fee Arbitration Department panel.~~