

**ORANGE COUNTY BAR ASSOCIATION
MANDATORY FEE ARBITRATION COMMITTEE**

Post Office Box 6130, Newport Beach, California 92658
Telephone: 949-440-6700 Facsimile: 949-440-6710

INSTRUCTIONS FOR COMPLETING NOTICE OF STAY OF PROCEEDINGS

If an attorney has filed a lawsuit against you to collect attorneys' fees, the lawsuit will be stayed (postponed) if you properly complete certain steps and initiate mandatory fee arbitration proceedings.

Step 1

The lawsuit will be stayed (postponed) if and only if you:

- (1) Timely complete and properly file a *Petition to Arbitrate a Fee Dispute* with the Orange County Bar Association (OCBA) Mandatory Fee Arbitration Committee; and,
- (2) Timely serve a copy of the *Petition to Arbitrate a Fee Dispute* and all attachments by sending it to the attorney first class mail postage prepaid or by having the petition and all attachments personally served on the attorney in the manner prescribed by law.

A *Petition to Arbitrate a Fee Dispute* may be obtained from OCBA. Instructions for completing and filing the petition are contained in the petition. Do not attempt to file the petition with the court. For instructions concerning personal service, refer to the Code of Civil Procedure.

Step 2

After the *Petition to Arbitrate a Fee Dispute* has been properly filed with the Orange County Bar Association and properly served on the attorney:

- (3) Complete the accompanying *Notice of Stay of Proceedings*.
- (4) Attach a copy of the completed *Petition to Arbitrate a Fee Dispute* to the *Notice of Stay of Proceedings*.
- (5) File the *Notice of Stay of Proceedings* (with attached petition) with the court where the lawsuit is pending. Ascertain and comply with any additional local court rules.
- (6) Serve the attorney with a copy of the *Notice of Stay of Proceedings* (with attached petition) by sending it to the attorney first class mail postage prepaid or by having it personally served on the attorney in the manner prescribed by law.

Step 3

File the original Proof of Service with the court and send a copy of the Proof of Service and a copy of the *Notice of Stay of Proceedings*, which you have filed with the court, to OCBA Mandatory Fee Arbitration Committee.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	
NOTICE OF STAY OF PROCEEDINGS	CASE NUMBER: _____
	JUDGE: _____
	DEPT.: _____

To the court and to all parties:

1. Declarant (name):
 - a. ☐ is ☐ the party ☐ the attorney for the party who requested or caused the stay.
 - b. ☐ is ☐ the plaintiff or petitioner ☐ the attorney for the plaintiff or petitioner. The party who requested the stay has not appeared in this case or is not subject to the jurisdiction of this court.
2. This case is stayed as follows:
 - a. ☐ With regard to all parties.
 - b. ☐ With regard to the following parties (specify by name and party designation): _____
3. Reason for the stay:
 - a. ☐ Automatic stay caused by a filing in another court. (Attach a copy of the Notice of Commencement of Case, the bankruptcy petition, or other document showing that the stay is in effect, and showing the court, case number, debtor, and petitioners.)
 - b. ☐ Order of a federal court or of a higher California court. (Attach a copy of the court order.)
 - c. ☐ Contractual arbitration under Code of Civil Procedure section 1281.4. (Attach a copy of the order directing arbitration.)
 - d. ☐ Arbitration of attorney fees and costs under Business and Professions Code section 6201. (Attach a copy of the client's request for arbitration showing filing and service.)
 - e. ☐ Other: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME OF DECLARANT)

(SIGNATURE)