

2. Respondent Attorney's Arbitration Attorney

If you will be represented by an attorney in these proceedings, please provide the following information concerning that attorney:

Name of Attorney:	
Name of Law Firm:	Day Telephone: Eve Telephone:
Street:	Facsimile:
City:	State: Zip:

3. Written Fee Agreement

- YES, Client signed a written fee agreement (retainer agreement, engagement agreement). If Attorney is currently in possession of any such agreement, attach a copy to this petition.
- NO, Client did not sign any such written fee agreement.

4. Referral Service

- YES, Client was referred to Attorney by the Orange County Bar Association Lawyer Referral and Information Service (LRIS).
- NO, Client was not referred to Attorney by LRIS.

5. Pending Lawsuit or Arbitration to Collect Attorney's Fees and Costs

- YES, Attorney has filed a lawsuit or other arbitration proceeding against Client to recover fees which are the subject of this fee arbitration proceeding.
- NO, Attorney has not filed such a lawsuit or other arbitration proceeding against Client.

6. Notice of Arbitration Rights

- YES, a *Notice of Client's Right to Arbitration* was sent to Client informing Client of Client's fee arbitration rights. **A copy of the notice and proof of service is attached to this petition.**
- NO, no such notice informing Client of fee arbitration rights was sent to Client.

7. Description of Fee Dispute

On a separate sheet of paper, please provide a concise statement of facts and a description of the fee dispute. Please attach relevant exhibits.

8. Amount in Dispute

a. Enter the total amount you have billed Client to date.....	\$
b. Enter the total amount you have been paid by Client to date.....	\$
c. Enter the total amount in dispute	\$

9. Effect of Arbitration

Advisory Arbitration. If either Client or Attorney is not satisfied with the Arbitration Award (the decision of the Arbitrator(s)), then Client or Attorney may petition the court for a court hearing (a trial *de novo*) within thirty (30) days from the date that the Arbitration Award is mailed to Client and Attorney. If either party does petition for a court hearing within the thirty (30) day period, the Advisory Arbitration Award will be without legal effect. **CAUTION:** Advisory arbitration becomes **final and binding** on all parties thirty (30) days after the date the Arbitration Award is mailed to Client and to Attorney *unless* a petition is properly filed in court prior to the expiration of the thirty (30) day period.

Binding Arbitration. If both Client and Attorney agree that the arbitration may proceed as Binding Arbitration, then the Arbitration Award becomes immediately final and no further proceedings-no court hearing or appeal-are permitted. If Client and Attorney do not both agree to Binding Arbitration, the arbitration proceedings will be Advisory Arbitration.

Attorney agrees to Binding Arbitration or Advisory Arbitration.

10. Number of Arbitrators

If the amount in dispute is \$10,000.00 or less, the matter will be assigned to one (1) Arbitrator.

If the amount in dispute is over \$10,000.00, the matter will be assigned to a panel of three (3) Arbitrators (at least one of whom will be a non-attorney) *unless* the parties agree to have the matter heard by one (1) arbitrator.

Attorney agrees to one (1) Arbitrator or Three (3) Arbitrators.

11. Mediation

Please read the information included with this packet regarding mediation. Please indicate below whether or not you wish to try to resolve this dispute through mediation. Mediation is a process that allows the parties themselves to achieve a settlement of their dispute. The mediation will not decide the dispute. The mediator's role is to assist the parties in coming to a mutually agreeable settlement. Mediation is a consensual process and requires both parties to compromise. If the client does not also agree to mediation, this dispute will be arbitrated. If the parties are unable to resolve their dispute through mediation, the matter will proceed to arbitration, an arbitrator will be appointed and a hearing date scheduled.

YES, I would like to try to resolve this dispute through mediation before proceeding to arbitration.

NO, I would not like to try to resolve this dispute through mediation before proceeding to arbitration.

12. Basis of Arbitrator Awards

In general, Arbitrators are to decide whether the services provided by an attorney were necessary and whether the fees charged for services were reasonable. Factors which may be considered when making an award (a decision) include, but are not limited to: the nature of the fee arrangement, the reasonable value of the attorney's services, the experience of the attorney, the complexity of the legal matter, the diligence of the attorney in pursuing the legal matter, and the result obtained.

13. Replying to the Fee Arbitration Petition

To respond to the petition filed in this arbitration proceeding, Attorney must:

- (1) Complete and personally sign (DocuSign or other electronic signature permissible) the *Reply to Petition to Arbitrate a Fee Dispute*.
- (2) Return four copies of the *Reply to Petition to Arbitrate a Fee Dispute* and all attachments to the Orange County Bar Association Mandatory Fee Arbitration Committee at the following address:

Orange County Bar Association
Mandatory Fee Arbitration Committee
Post Office Box 6130
Newport Beach, California 92658
- (3) Send a copy of the *Reply to Petition to Arbitrate a Fee Dispute* and all attachments to Client who filed the petition. The *Reply to Petition to Arbitrate a Fee Dispute* and all attachments may be sent to Client by first class mail.

(See next page)

By signing this *Reply to Petition to Arbitrate a Fee Dispute* I certify that I have read and understand this *Reply to Petition to Arbitrate a Fee Dispute* and the Rules of Conduct for Mandatory Fee Arbitration. Prior to filing this *Reply to Petition to Arbitrate a Fee Dispute*, I attempted to resolve this fee dispute to the best of my ability.

I hereby declare that the facts, circumstances and information recited herein are true and correct.

Prior to filing this *Reply to Petition to Arbitrate a Fee Dispute*, I sent a copy of the reply and all attachments by first class mail to Client or their attorney.

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

ATTORNEY'S SIGNATURE

DATE REPLY SIGNED

ATTORNEY'S SIGNATURE (If more than one attorney)

DATE REPLY SIGNED

ATTORNEY'S SIGNATURE (If more than one attorney)

DATE REPLY SIGNED

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DATE REPLY SIGNED

