

# **MEMORANDUM**

**TO:** All Santa Clara County Bar Association Fee Arbitrators

**FROM:** Fee Arbitration Executive Committee

**DATE:** February, 1996

**RE:** Active Listening 96-01

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Happy New Year! Thank you for giving your time to the fee arbitration program for another year. Your efforts are appreciated and we realize that the success of our endeavor is dependent on your participation. Thank you.

**Active listening is a very important part of your role as arbitrator. The next time you arbitrate a case, pay attention to the following tips:**

- 1. Carefully consider each point raised by each party. Don't trivialize what the parties have to say or give an impression of a decision during their presentation.**
- 2. Try not to interrupt either party during their presentation. Save time at the end of the hearing for your clarifying questions.**
- 3. In responses to the post-arbitration questionnaires, parties indicated that arbitrators often made extraneous comments during the hearing. For example, one arbitrator said the clients should "trust" the attorney's charges were correct. As an arbitrator, you are appointed to be a trier of fact and a decision-maker. Please make an effort not to editorialize in the course of the fee arbitration.**