

MEMORANDUM

TO: All Santa Clara County Bar Association Fee Arbitrators

FROM: Beth Strickland, Fee Arbitration Coordinator

DATE: April 1997

RE: Individual Responsible Attorney; Attorney Initiated Fee Arbitration; Awards-Original Signature 97-01

The following are some important issues in the fee arbitration arena. Please consider these areas as you handle fee arbitrations.

- 1. The State Bar now has the authority to suspend an attorney from practice for noncompliance with a fee arbitration award. So it's very important that the award state clearly who the individual responsible attorney is, so that the State Bar can enforce the award. If the award just names a firm, it cannot be enforced.**
- 2. Attorneys may now initiate fee arbitration against a client, if there is a clause in the fee agreement that says they will go to fee arb under B & P Code Section 6200 et seq. You may see one of these soon.**
- 3. Each party to the fee arbitration should get an award with original signatures on it. Please return as many signature pages with original signatures as there are parties to the case.**