

EXCERPTS FROM THE CALIFORNIA STATE BAR ACT
(BUSINESS AND PROFESSIONS CODE)
TABLE OF CONTENTS

ARTICLE 13

ARBITRATION OF ATTORNEYS' FEES

6200. Establishment of System & Procedure; Jurisdiction; Local Bar Association Rules

- a. State Bar Board of Governors determine the program
- b. Exceptions to jurisdiction
- c. Arbitration voluntary for client & mandatory for attorney unless written agreement; mediation always voluntary
- d. Local Bar Associations can administer local programs
- e. One attorney arbitrator to have experience in the area related to the case, Civil or Criminal
- f. Arbitrators and programs have judicial immunity
- g. Arbitrators may take evidence, administer oaths, subpoena evidence
- h. Mediation is voluntary and confidential

6201. Notice to Client; Request for Arbitration; Client's Waiver of Right to Arbitration

- a. Attorney must give client Notice of Client's Right To Arbitration
- b. Client may stay court proceeding
- c. Stay in effect until arbitration completed; may be vacated by court
- d. Client's waiver of right to maintain arbitration
- e. Both parties can agree to arbitration notwithstanding waiver

6202. Disclosure of Attorney-Client Communication and Work Product; Limitation

6203. Award; Contests; Finality; Petition to Court; Award of Fees and Costs

- a. Award is in writing; includes findings; no awards of costs for preparing for arbitration
- b. Non-binding becomes binding after 30 days if no one seeks trial
- c. Parties can get costs incurred for correction, vacation, or confirmation of award
- d. State Bar can help with enforcement of award

6204. Agreement to be Bound by Award of Arbitrator; Trial After Arbitration in Absence of Agreement; Prevailing Party; Effect of Award and Determination

- a. Parties can agree in writing to binding award
- b. Rejection of the award
- c. Trial after arbitration
- d. Prevailing party
- e. Award not admissible in trial after arbitration

6204.5. Disqualification of Arbitrators or Mediators; Post-arbitration Notice

- a. State bar will provide rule for disqualification
- b. Notice of Rights After Arbitration

6205. Enacted 1978. Repealed 19986, ch.1104.

6206. Arbitration Barred if Time for Commencing Civil Action Barred; Exception

EXCERPTS FROM THE CALIFORNIA STATE BAR ACT
(BUSINESS AND PROFESSIONS CODE)

ARTICLE 8.5

FEE AGREEMENTS

6146. Limitations; Periodic Payments; Definitions

- a. Limits on contingency amounts
- b. Total value of periodic payments
- c. Definitions

**6147. Contingency Fees Contract; Contents; Effect of Noncompliance;
Application to Contracts for Recovery of Workers' Compensation Benefits**

- a. Contents of contract, terms
- b. Failure to comply
- c. Does not apply to workers' compensation
- d. In effect until January 1997

6127.5.

- a. Exception; 6147 & 6148 don't apply to cases under Commercial Code section 2104
- b. Contingency limits where no written contract exists

6148. Written Fee Contract: Contents; Effect of Noncompliance

- a. When written contract required, terms
- b. Terms included in billing statement
- c. Failure to comply
- d. Exceptions
- e. Applies to fee agreements written after effective date of code section
- f. In effect until January 1997

6149. Written Fee Contract Confidential Communication

EXCERPTS FROM THE CALIFORNIA CODE OF CIVIL PROCEDURE

CHAPTER 4

ENFORCEMENT OF THE AWARD

ARTICLE 1

1285. Filing Petition for Court Review of Award

1285.2. Response to Petition

1285.4. Contents of Petition

1285.6. Contents of Response

1285.8. Grounds on Request to Vacate or Correct

1286. Action by Court

1286.2. Grounds for Vacating Award
1286.4. Requisites for Vacating Award
1286.6. Grounds for Correcting Award
1286.8. Requisites for Correcting Award
1287. Order for Rehearing
1287.2. Dismissal of Proceeding
1287.4. Judgment Confirming Award
1287.6. Effect of Unconfirmed or Unvacated Award

ARTICLE 2

1288. Time to File Petition for Court Review
1288.2. Time for Filing Response
1288.4. Petition at least Ten Days After Service of Award
1288.6. No Filing While Petition for Correction Pending
1288.8. Date of Service of Award When Petition for Correction Filed