



THE BAR ASSOCIATION OF
SAN FRANCISCO

CLIENT'S REPLY

To Attorney's Request for Resolution of a Fee Dispute

An attorney has filed for arbitration and/or mediation of the fee dispute that exists between you. We have indicated below if you are required to participate.

- (A) Your Attorney Fee Agreement contains a valid arbitration clause. Therefore, it is **mandatory** that you participate [Rule 4A.], complete and return this form. Or;
- (B) Your Attorney Fee Agreement does not contain a valid arbitration clause, therefore this program is **voluntary** for you. Please indicate your choice below:
- I would like to proceed (complete and return this form) Or:
- I do not want to arbitrate/mediate this dispute. I understand that the attorney may then have the right to file a suit to collect these fees. (Skip the rest of the form, but please sign and return a copy of the form.)

If you do consent to arbitrate, please note:

- **All sections of this form must be completed. Please answer every question, 1-12.**
- Incomplete forms or completed forms **without** the required number of copies **will not be accepted and will be returned.**
- Sign and date where indicated on the last page (the individual submitting the Reply has to sign, not his/her counsel).
- Return **the original and four (4) copies** of this form and all attachments (do not send originals of your supporting documents), along with any filing fee (see item 7), to:

The Bar Association of San Francisco
Attn: Fee Disputes Program
201 Mission Street, Suite 400
San Francisco, CA 94105

- **Failure to follow the instructions and/or not submitting this Reply form with the required copies within the time limitations could result in limiting your right to present evidence in your fee dispute.**
- **If you have questions, or problems filling out the form, please contact us at 415-982-1600 or adr@sfbbar.org. Please consult the attached Rules for definitions of terms and clarification of the process.**

CLIENT'S REPLY

To Attorney's Request for Resolution of a Fee Dispute

Case Name (Names of Parties) _____

BASF Case Number: _____ Type of law involved in the underlying case: _____

1. My contact information:

Name: _____

Firm: _____

PO Box or Street Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____ Email: _____

I will be represented by the following attorney in this matter:

Name: _____

Firm: _____

PO Box or Street Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____ Email: _____

2. Do you have a written fee agreement? Yes No

If yes: Attach a copy of the fee agreement to the original of this form and all four (4) copies.

If no: Explain your verbal agreement on separate sheet.

3. Has the attorney filed suit in court to collect the fees? Yes No

If yes: Enclose (1) one copy of the front page only of the lawsuit.
(You are not required to send the entire lawsuit.)

4. Have you received the Notice of Client's Right to Arbitration form from the attorney?

Yes or No

If yes: When did you receive it? _____

ATTACH a copy of Client's Right to Arbitration form attached to all five copies of this form.

5. Disputed Amount

- (a) The amount already paid to the attorney (if any)? \$ _____
- (b) The amount, if any, the attorney says is still owed? (+) \$ _____
- (c) Add (a) and (b) and enter here: \$ _____
- (d) Total amount you think the attorney should be paid: (-) \$ _____
- (e) **This is the disputed amount [subtract (d) from (c)]:** \$ _____

6. Filing Fees: The attorney has indicated an amount in dispute and paid a filing fee based on that amount.

If you believe the amount in dispute is higher than indicated by the attorney:

- (a) How much are you increasing the amount in dispute by? \$ _____
- (b) Attach an explanation of the increase for review by the arbitrators.
- (c) Additional filing fees on the increase must be paid at this time. The amount of the filing fee to be paid is a percentage of the total increased amount in dispute above, with a maximum filing fee of \$7,000.00 [Exception: Unless the increased amount in dispute is \$1,000,000 or more; see Rule 13.A.1.(c)].
- (d) Please check one:
 - If the additional amount in dispute is less than \$10,000, you pay 5%.
Amount enclosed: \$ _____
 - If the additional amount in dispute is more than \$10,000, you pay 7%.
Amount enclosed: \$ _____

7. When the amount in dispute is under \$25,000, a Sole Arbitrator will be assigned to the case. When the amount in dispute is \$25,000 or more, a panel of three (3) arbitrators will be assigned unless both sides agree to have it heard by a Sole Arbitrator. If the case involves over \$25,000 in dispute, please indicate your preference below:

Choose one: Three Arbitrators Sole Arbitrator

8. The client may request an arbitrator experienced in either criminal or civil law, depending on your underlying case.

Choose one: Criminal Civil No Preference

9. This arbitration will result in a **non-binding** award unless both sides agree that it will be **binding**.

Non-Binding means that if either party is not happy with the award, both the petitioner and the respondent have the right to ask for a trial in a civil court within 30 days from the date the award is mailed to you. If neither party asks for a new trial in 30 days, the award automatically becomes final and binding.

Binding Arbitration means that if BOTH parties agree in writing to make the arbitration BINDING, a new trial may not be requested and the award will immediately become final and binding.

Choose one: Binding or Non-Binding

10. **Mediating your fee dispute is an option!**

If both the petitioner and the respondent agree, four hours of mediation time are available at no additional cost to try to resolve the dispute. If the matter does not resolve in the mediation, it will proceed to arbitration. For more information on mediating your dispute, please refer to Mediation Rules of Procedure outlined at the end of the BASF Arbitration Rules of Procedure.

Choose one: Yes, I would like to mediate No, proceed directly to arbitration

11. You must submit a brief written description (use below box) of the fee dispute, with a copy attached to the original and all four (4) copies of the Request form. [See Rule 8.B. regarding additional submissions].

If you need more space please continue on additional sheets of paper. Include this with each copy of your Reply form.

12. I acknowledge receipt of the BASF Rules of Procedure and agree to be bound by them. I declare under penalty of law that everything I have stated is true to the best of my knowledge.

[Counsel may not sign on behalf of parties.]

Date: _____ Print name: _____ Signature: _____

Date: _____ Print name: _____ Signature: _____