

MCLE SELF-STUDY TEST  
FEE ARBITRATOR THE ARBITRATION AWARD

1. The arbitrator must follow the required award format provided by the Program when writing the award.
2. There is no requirement for the arbitrator to include a determination of the questions submitted and explanation of how the arbitrator reached his or her decision.
3. The State Bar of California may apply penalties to the attorney who is “personally responsible for making or ensuring payment of the award” so the arbitrator must name the responsible attorney in the award.
4. Finding of fact in the award may help the parties determine whether or not to seek judicial relief after arbitration.
5. Willful non-attendance at a fee arbitration hearing precludes that party’s right to a trial de novo after arbitration.
6. Since only a court can make a final determination of willfulness, the court may consider the arbitrators’ findings on the subject of a party’s failure to appear, so it is important to include your findings in the award.
7. The arbitrator may allocate the filing fee between the parties. Such allocation should be detailed in the award.
8. The award shall include any award to either party for costs or attorney’s fees incurred in preparation or in the course of the arbitration proceeding.
9. Interest can be awarded as part of an arbitration award.
10. Per Civil Code § 3298(a) if there is an enforceable written contract, and the rate is not usurious, it should be charged.
11. Per Civil Code § 3298(b) if interest is to be awarded and there is no agreement of the parties as to the rate to be charged, 99% per annum should be used.
12. The original award should be mailed to the CCCBA Fee Arbitration Coordinator within 15 days from the date of the hearing with a single arbitrator; and 25 days for a three-member panel.
13. The CCCBA Fee Arbitration Program must serve the “Notice of Your Rights after Arbitration” with the award. Service of the award is incomplete without this notice.
14. For three-member panels, each member is responsible for the content of the award. If your opinion

isn't reflected discuss and additions or changes with the panel chair.

15. A minority vote is sufficient for all decisions of a three-member panel.

16. Any arbitrator who does not agree with the majority of panel is not entitled to write a dissenting opinion.

17. The time for filing a dissent is different from the time required for filing the award.

18. The arbitrator may mediate a settlement between the parties at the arbitration hearing.

19. If parties wish to settle, they should do so outside the arbitrator's presence.

20. Drafting a stipulated award is up to the discretion of the arbitrator. In no event should the arbitrator memorialize an agreement that appears unfair, unethical or illegal.

21. If a matter a raised during the hearing, in the opinion of the arbitrator(s) constitutes substantial evidence of a violation of the Rules of Professional Conduct the arbitrator may in his or her discretion refer such matter to the attention of the Chief Trial Counsel of the State Bar of California.

22. Under Code of Civil Procedure § 1284 an award may be amended within 30 days following service of the award on the parties by motion by a party or sua sponte.



704 Main ♦ Street ♦ Martinez ♦ CA ♦ 94553

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ANSWER SHEET

- |     |                               |                                |     |                               |                                |
|-----|-------------------------------|--------------------------------|-----|-------------------------------|--------------------------------|
| 1.  | <input type="checkbox"/> True | <input type="checkbox"/> False | 13. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 2.  | <input type="checkbox"/> True | <input type="checkbox"/> False | 14. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 3.  | <input type="checkbox"/> True | <input type="checkbox"/> False | 15. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 4.  | <input type="checkbox"/> True | <input type="checkbox"/> False | 16. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 5.  | <input type="checkbox"/> True | <input type="checkbox"/> False | 17. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 6.  | <input type="checkbox"/> True | <input type="checkbox"/> False | 18. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 7.  | <input type="checkbox"/> True | <input type="checkbox"/> False | 19. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 8.  | <input type="checkbox"/> True | <input type="checkbox"/> False | 20. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 9.  | <input type="checkbox"/> True | <input type="checkbox"/> False | 21. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 10. | <input type="checkbox"/> True | <input type="checkbox"/> False | 22. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 11. | <input type="checkbox"/> True | <input type="checkbox"/> False |     |                               |                                |
| 12. | <input type="checkbox"/> True | <input type="checkbox"/> False |     |                               |                                |

Date:
Name:
Law Firm:
Address:
City/State/Zip:
Telephone:
State Bar #:

Mail completed ANSWER SHEET to:

CCCBA  
 Attn: Emily Day  
 704 Main St.  
 Martinez, CA 94553

Upon receipt an MCLE certificate will be returned to you.

*The Contra Costa County Bar Association certifies that this activity has been approved for ½ hour MCLE credit by the State Bar of California (Provider #393).*