

EMERGENCY RULE FOR MANDATORY FEE ARBITRATIONS, RELATED TO THE COVID-19 PANDEMIC

Pursuant to California Business & Professions Code Section 6200, *et seq.*, the State Bar of California is responsible for implementing Mandatory Fee Arbitrations (“MFA”) with respect to certain fee disputes between attorneys and clients. The State Bar approves MFA programs administered through local bar associations, including the San Fernando Valley Bar Association (“SFVBA”) MFA program.

SFVBA MFA Rule 31.1 provide that Arbitration hearings should be held within 45 days of the assignment of the arbitrator (90 days if a Panel of arbitrators). However, due to the COVID-19 pandemic, governmental entities including the State of California, the County of Los Angeles, and the City of Los Angeles, have issued emergency orders requiring that citizens stay at home, except for certain essential functions. On March 23, the Chief Justice of the California Supreme Court, acting as chair of the State Judicial Council, issued various Emergency Rules regarding limited operation the courts, including Emergency Rule 3 which allowed each County court to require that judicial proceedings and court operations be conducted remotely. Section (a)(3) of Emergency Rule 3 provides that courts may conduct most judicial proceedings as follows:

“(3) Conducting proceedings remotely includes, but is not limited to, the use of video, audio, and telephonic means for remote appearance; the exchange and authentication of documentary evidence; e-filing and e-service; the use of remote interpreting; and the use of remote reporting and electronic recording to make the official record of an action or proceeding.”

Subpart (b) of Rule 3 provides that the Rule will remain in effect until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Judicial Council.

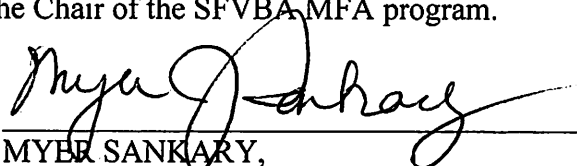
In order to facilitate the conduct of MFA proceedings within the time periods set forth in SFVBA MFA Rule 31.1, while complying with applicable governmental emergency orders, the following Emergency SFVBA MFA Rules are hereby adopted:

1. There shall be no in-person Mandatory Fee Arbitration hearings until further notice, after expiration or termination of applicable State and local governmental emergency orders related to the COVID-19 pandemic.
2. All MFA proceedings shall be conducted by telephone or by videoconferencing using the Zoom platform, or a combination thereof, as determined by the arbitrator or the Panel Chair. Parties, arbitrators and witnesses shall be required to participate in MFA proceedings utilizing Zoom unless they do not have access to a computer, I-pad, cellular telephone, or other device capable of connecting to and utilizing the Zoom video meeting link. Any party or arbitrator who is unable to visually connect through Zoom shall notify the arbitrator or the Panel Chair not later than ten (10) days following the delivery of notice of the hearing. In such event the arbitrator or Panel Chair shall have the authority to order that such party or arbitrator participate by telephone.
3. All MFA proceedings will be conducted only by arbitrators or Panel Chairs who have been trained through SFVBA and qualified to use and administer Zoom videoconferencing

safely and securely, or who otherwise show to the satisfaction of the Chair of the MFA program that he or she is otherwise qualified to do so. The arbitrator or Panel Chair shall fulfill the functions of the host of the teleconference. The arbitrator(s) and all parties must have the ability to see each other, and to see any witness, unless a party or an arbitrator participates by telephone. The arbitrator or Panel Chair shall not utilize the “free” version of Zoom, but shall use the more secure platform established by the SFVBA MFA program.

4. All parties and arbitrators shall provide their e-mail addresses to the arbitrator or the Panel Chair upon receipt of notice of the appointment of the arbitrator and/or Panel Chair. All notices, briefs and exhibits may be filed and served electronically via e-mail and shall be effective the date the email is sent, unless a party notifies the arbitrator or the Panel Chair in writing that such party does not have an e-mail account. In such event, notices, briefs and exhibits shall be personally served or served on such person via first-class mail through the United States Postal Service (“USPS”) or via overnight courier (Fed Ex, UPS, etc.). The parties may submit briefs and exhibits to the arbitrator(s) and other parties either electronically by e-mail or by hard copy via USPS or overnight courier, so long as such materials are received by the arbitrator(s) and all other parties no later than 5 pm at least seven (7) business days prior to the arbitration hearing.
5. The foregoing Emergency Orders shall remain in effect until thirty (30) days following a termination of all State, county and city governmental orders requiring citizens to stay at home, unless earlier terminated by order of the Chair of the SFVBA MFA program.

DATED: April 17, 2020



MYRA SANKARY,
Chair of the SFVBA MFA Program