

LOS ANGELES COUNTY BAR ASSOCIATION
ATTORNEY-CLIENT MEDIATION & ARBITRATION SERVICES

**EMERGENCY RULES FOR MANDATORY FEE ARBITRATORS
RELATED TO THE COVID-19 PANDEMIC**

Pursuant to California Business & Professions Code §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 Los Angeles County Bar Association’s Attorney-Client Mediation & Arbitration Services’ MFA program (the “ACMAS MFA Program”).

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 citizens to stay at home, except for certain essential functions. On March 23, 2020, the Chief Justice of the California Supreme Court, acting as chair of the State Judicial Council, issued various Emergency Rules regarding limited operation of 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.” (Emphasis added.)

Subpart (b) of Rule 3 provides that that the Rule will remain in effect until ninety (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after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Judicial Council.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 the ACMAS MFA Program, while complying with applicable governmental emergency orders, the following Emergency ACMAS MFA Program rules are hereby adopted:

1. Clients are encouraged to file a Client initiated Client Petition for Arbitration with the ACMAS MFA Program electronically through the ACMAS webpage (<https://www.lacba.org/need-legal-help/attorney-client-mediation-arbitration-service-clients/acmas-application>).

Attorney or Client initiated MFA petitions may be filed with the ACMAS MFA Program by attaching a completed Attorney-Client Petition for Arbitration or Client Petition for Arbitration, as applicable, by electronically via the email address posted on the ACMAS

web page.

2. Where the Petition for Arbitration contains an email address for the Client and the Attorney (or an email address for the Attorney is obtainable through the Attorney's Licensee Profile on the California State Bar website), the Arbitration Committee staff may serve the Client Petition for Arbitration on the attorney via electronic mail notwithstanding the provisions of Rules 13 and 45. Except with respect to service of the arbitration award, which shall be accomplished as provided in Rules 35 and 45, all documents and correspondence from the Arbitration Committee staff to the arbitrator(s) and/or parties, including, but not limited to, the Notice of Appointment of Arbitrator(s), may be accomplished via electronic mail. Such service shall be effective the date the email is sent.
3. The Arbitration Committee staff shall provide the arbitrator(s) and parties to an MFA proceeding with the email addresses of all parties to the proceeding. All notices (including, but not limited to the Notice of Hearing), briefs and exhibits may be filed and served electronically via email, and shall be effective the date the email is sent, unless a party has notified the Arbitration Committee staff, the Sole Arbitrator or the Panel Chair in writing that such party does not have an email 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 (e.g., Fed Ex, UPS). The parties may submit briefs and exhibits to the arbitrator(s) and other parties either electronically by email 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 the dates specified in the Rules or by the Sole Arbitrator or Panel Chair.

The foregoing Emergency Rules shall remain in effect until thirty (30) days following a termination of all State, Los Angeles County and City of Los Angeles orders requiring citizens to stay at home, unless earlier terminated by order of the Chair of the ACMAS MFA Program.

DATED: May 15, 2020

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