



**REQUEST FOR PROPOSAL ONLINE DISPUTE RESOLUTION PLATFORM DESIGN,
IMPLEMENTATION AND ONGOING SUPPORT**

**Questions and Answers
March 7, 2025**

1. Does the State Bar want Commercial Shelf Software for this portal, or are they looking to create a tool specifically for State Bar?
 - State Bar Response: Commercial Shelf Software
2. If the State Bar is looking for a custom solution, is an open-source software like Drupal being considered?
 - State Bar Response: N/A
3. Will the case portal follow the new design system the State Bar has?
 - State Bar Response: the portal's look and feel ideally will align with the visual guidelines, branding and user interface elements established by the State Bar. However, this should be accomplished with configuration, not customization.
4. Will the portal have SSO integration with the State Bar?
 - State Bar Response: Yes
5. How much traffic, i.e., visitors, is expected? visit this case management portal per month?
 - State Bar Response: For 2024, monthly requests ranged from a low of 22 to a high of 47 with an average of 35 per month. We anticipate these numbers will be similar in the first year the platform is live with the goal of increasing the use of the platform in the following years.
6. What is the average dispute amount on the disputes currently being processed?
 - State Bar Response: Average in 2024 was \$82,465.14, median \$22,360.12.

7. Can more details be provided regarding the multilingual translation requirements? Which languages are needed? Does the system need to be multilingual or just the external communications?
 - State Bar Response: Parties must have the ability to communicate in English and Spanish. While not required, we would also prefer a platform that can translate Vietnamese, Chinese, Korean, Russian, Persian, Armenian.
 - We want parties to have the ability to input their communications, including filling out the application, in their selected language and the recipient to read the communication in their selected language. So for example, a Spanish speaker can elect an application in Spanish and fill it out in Spanish and the team member receiving/reviewing the application can read it in English.
8. Which certifications are a must, such as ISO 27001, SOC 2 Type 2, HIPAA?
 - State Bar Response: Should meet ISO 27001, SOC 2 type 2, HIPAA, PCI, CPRA and NIST SP 800-53. Any exceptions can be considered on a case-by-case basis.
9. We noted that attachment B was not included in your email, could you please provide that for us to review?
 - State Bar Response: A template for Attachment B was not provided – please prepare your cost proposal in excel in accordance with the guidance in the RFP, and submit it with your proposal as Attachment B. The State Bar is looking to evaluate total potential cost of ownership over a 5-year period, so sufficient detail must be provided in the cost proposal.
10. We wanted to clarify that there are certain developmental expenses that can't be quoted without getting more detailed requirements and information from your team. As an example, connecting to ADR Notable to any external systems via an API will require us to have detailed discussions with your team so that we can properly scope the work and costs associated with it.
 - State Bar Response: Understood – you may include a line in your Attachment B – Cost Proposal that delineates where additional development expenses may be needed. Any such additional expenses will be negotiated using the classifications and hourly rates incorporated into the final contract.
11. What can you share about the 153 cases that were opened under the current MFA process – what types of disputes have historically been processed? Were they just disputes over fees, or are there other types of disputes? Can you provide a general time frame for average filing to resolution?
 - State Bar Response: The program only has jurisdiction over attorney-client fee disputes. The program has internal time metrics for various stages of the application and assignment process and the rules governing the program set forth timelines for the arbitration process itself. By way of example, where a sole arbitrator hears a case, a signed award is to be submitted to the State Bar

within 15 days of the hearing. For other specific timelines, please refer to the Rules for Fee Arbitration found [here](#).

12. What payment platform do you use?

- State Bar Response: Cybersource

13. Who is the third-party administrator for Mediators?

- State Bar Response: This is to be determined. Mediation is not an option we currently offer but one that we will offer in the future after the platform is live.

14. Can you share any of the standardized forms for common filings, such hearing notices and settlement agreements?

- State Bar Response: Yes. Please see two sample forms attached:
 - Attachment A: Findings and Award Template
 - Attachment B: Notice of Hearing Template

BEFORE THE STATE BAR OF CALIFORNIA
MANDATORY FEE ARBITRATION PROGRAM

In the Matter of the Arbitration Between)	
)	CASE NO. [Case Number]
[Client's Name])	
Client,)	FEE ARBITRATION
)	FINDINGS AND AWARD
)	
and)	
)	Date of Hearing:
[Attorney's Name])	Time of Hearing:
Attorney.)	
)	
)	
)	

INTRODUCTORY STATEMENT

Pursuant to a Petition for Attorney-Client Fee Dispute Arbitration between Client (Client) and Attorney (Attorney), due notice of hearing was given to the parties, and the hearing was conducted by Arbitrator(s), [name(s)], on [date] at [city], California.

Client, [name], appeared in person with(out) his/her legal representative, [name], and agreed to binding/non-binding arbitration [if binding – describe writing in which agreement is set—either in Petition and Reply or by written stipulation or other writing; if binding agreed to by the parties before any evidence was taken, attach the signed stipulation].

1 Attorney, [name], [firm's name], an attorney at law, appeared in person with(out) counsel,
2 and has agreed to binding/non-binding arbitration.

3 All parties were sworn, testified, cross-examined, and otherwise participated in the
4 proceedings. [EDIT AS REQUIRED.]

5 [IF BINDING, add: Accordingly, the Arbitration Findings and Award is BINDING and is
6 subject to Chapter 4, Title 9 of Part 3 of California Code of Civil Procedure section 1285, et seq. and
7 Business and Professions Code section 6200 et seq.]

8 [IF NON-BINDING, add: Accordingly, the Arbitration Findings and Award is NON-
9 BINDING and is subject to Business and Professions Code section 6204, regarding the finality of
10 non-binding awards and the time limit on the right to a trial *de novo*.]
11

12 For purposes of this arbitration Award, the "responsible attorney" pursuant to Business and
13 Professions Code section 6203(d) is Attorney [name].
14

15 FEES INCURRED AND AMOUNT IN DISPUTE

- 16 1. The amount that the Client claims should have been charged: \$
17 2. The amount that the Attorney claims should have been charged: \$
18 3. The amount that Client has paid to Attorney: \$
19 4. If there was a written fee agreement, under the agreement,
20 what fees were charged: \$
21 5. Amount of the filing fee paid by [Client/Attorney/waived] \$

22 UNDISPUTED FACTS

23
24 Client retained Attorney, an attorney, for assistance in connection with [type of case]. The fee
25 and cost agreement was/was not in writing. [INCLUDE ALL UNDISPUTED FACTS.]
26
27
28

1 CLAIMS OF PARTIES

2 [INCLUDE ALL CLAIMS BEING MADE BY THE PARTIES – SUCH AS THE FEE
3 AGREEMENT IS OR IS NOT VALID; THE AMOUNT CLAIMED IS OR IS NOT
4 REASONABLE; ETC.]

5
6 ISSUES

7 The matters placed in issue by the Petition, Response and the testimony of the parties, are the
8 following:

- 9 1. The nature of the fee agreement between the parties.
10 2. The actual time expended by Attorney.
11 3. Whether the time expended was reasonable and necessary.

12 [THE ABOVE EXAMPLES MAY NOT BE THE ISSUES IN YOUR PARTICULAR
13 CASE OR THEY MAY NOT BE ALL THE ISSUES. MODIFY AS THE CASE MAY
14 REQUIRE.]

15
16 FINDINGS

17 Statement, Stipulations, Reasoning and Determination of Questions Presented

18 [Business and Professions Code section 6203(a)]
19
20
21

22 ALLOCATION OF FILING FEE

23 Business and Professions Code section 6203(a) permits the allocation of the arbitration filing
24 fee paid by [Client or Attorney]. However, the Code is silent as to when and how arbitration filing
25 fees should be allocated. Given the facts of this fee dispute, [Attorney and/or Client – Arbitrator
26 makes this determination based on what the evidence revealed to the Arbitrator] shall bear the cost of
27 the arbitration filing fee of [\$.]
28

AWARD

The Arbitrator(s) finds that the total amount of fees and/or costs which should have been charged in this matter is: \$[amount]

Of which the Client is found to have paid: \$[amount]

In addition, the fee arbitration filing fee shall be allocated:

Client: \$[amount]

Attorney: \$[amount]

For a net amount of: \$[amount]

Accordingly, the following award is made:

Client, [name], shall pay Attorney, [name]: \$[amount]
plus interest in the amount of the prevailing legal rate per annum from the 30th day after the date of service of this award.

OR

Attorney, [include both the responsible attorney and the firm if there is a firm name], shall refund to Client, [name]: \$[amount]

plus interest in the amount of the legal rate per annum from the 30th day after the date of service of this award.

OR

Nothing further shall be paid by either Client or Attorney.

Respectfully submitted,

Dated: [date]

Arbitrator/Panel Chair:

Arbitrator:

Arbitrator:

THE STATE BAR OF CALIFORNIA
MANDATORY FEE ARBITRATION

NOTICE OF HEARING

XXXX,
Client

vs.

XXXX,
Attorney

Case Number: 24-A-XXX

To: XXX, the client in this case,
To: XXX, the attorney in this case,

PLEASE NOTICE THAT THE HEARING OF OUR CASE WILL BE HELD ON **MONTH DATE, 2025**, commencing at **TIME**. The hearing will take place via videoconference. A Zoom hearing link will be emailed to you before the hearing date.

Please be advised that it is the arbitrator's practice to require both sides to submit any additional documentation and/or briefs they wish to be considered to each other, the arbitrator, and to the State Bar a minimum of 10 days prior to the scheduled hearing date, unless otherwise approved by the arbitrator.

To require someone to produce certain papers that you need for the hearing or to require a witness to attend the hearing, you may request a subpoena from the State Bar Mandatory Fee Arbitration Program. You are responsible for completing the blank subpoena form and returning it to the Program for review, along with an explanation as to why you are requesting the subpoena. If good cause is shown and a signed subpoena is issued, you will be responsible for serving the subpoena in a timely manner and tendering any required witness fees or costs of service of the subpoenas.

If either the attorney or the client does NOT appear at the hearing, the arbitrator still may decide the dispute, after considering whatever evidence the parties have produced. **Any party who willfully fails to appear at the arbitration hearing, as provided for under § 6204(a) of the Business and Professions Code, will not be entitled to a trial in the civil court after a non-binding arbitration.** The arbitrator(s) may include findings in the award as to the willfulness of any party's non-attendance at the hearing.

Voluntary settlement between the parties is encouraged. If you reach a settlement agreement at any time before the hearing, notify the State Bar Mandatory Fee Arbitration Program at 415-xxx-xxxx or feearb@calbar.ca.gov as soon as possible.

PANEL CHAIR: XXXX

Dated