

**Rule 15-1104. Petition; agreement to arbitrate, answer, discovery; and extension.**

1        (a) Petition and agreement to arbitrate. Proceedings before the Committee shall be started by  
2 the petitioning party completing and filing a verified petition to arbitrate fee dispute as well as an  
3 agreement to arbitrate fee dispute. The petition and agreement to arbitrate shall be on forms  
4 provided by the Bar. When the petition and agreement to arbitrate are completed and signed by  
5 the petitioner, they shall be filed with the Bar.

6        (b) Answer. The Bar shall forward to the respondent the petition and agreement to arbitrate,  
7 and request that the respondent sign and return the agreement to arbitrate and file an answer to  
8 the petition. The Bar will further advise that if the respondent fails to answer and return the  
9 signed agreement to arbitrate within ten days, the Committee will construe such failure as  
10 constituting a refusal by the respondent to submit to arbitration. Upon the Bar's receipt of the  
11 signed agreement to arbitrate and respondent's answer, the Bar shall forward to the petitioner a  
12 copy of the executed agreement to arbitrate and a copy of the respondent's answer.

13        (c) Fee. After both parties have agreed to binding arbitration, the petitioner shall pay a \$10  
14 fee. Unless the fee is paid, the proceeding will not go forward.

15        (d) Respondent's refusal to arbitrate. If the respondent refuses to submit the fee dispute to  
16 arbitration, the Bar shall notify the petitioner and the chair. No fee arbitration proceeding shall be  
17 conducted unless the respondent agrees to binding arbitration in writing. If all the parties refuse  
18 binding arbitration, the chair or his designee shall encourage the parties to elect mediation under  
19 Rule 15-1103 (b).

20        (e) Subpoena and discovery. The provisions of Utah Uniform Arbitration Act pertaining to  
21 the issuance of subpoenas in arbitration proceedings shall be applicable to arbitration  
22 proceedings held pursuant to these rules. The chair, in his sole discretion, and upon the motion of  
23 petitioner or respondent, may authorize the use of discovery procedures as provided in the Utah  
24 Uniform Arbitration Act.

25        (f) Extensions and postponements. The chair or his designee may grant extensions of time for  
26 the performance of any act required by these rules.

Effective November 1, 2018