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**CALIFORNIA ASSOCIATION
OF
LEGAL SUPPORT PROFESSIONALS**

DISPUTE RESOLUTION COMMITTEE CHARTER

Amended 6-15-13

Dispute Resolution Committee

- Membership
- Purposes
- Responsibilities
- Reporting

Members

Jeremiah Jones, Chairman
Larry Kirlin
Cliff Jacobs
Jack Biggerstaff
Wendy Bowman
Joseph Jones

Membership:

The Dispute Resolution Committee shall consist of the Chairperson (as appointed by the President of the Association), the Membership Chairperson and at least two members of the association chosen by the Dispute Resolution Chairperson.

Purpose:

The purpose of the Dispute Resolution Committee shall be to uphold and maintain industry standards and ethical business practices as set forth in the Association's Bylaws, Code of Ethics and Manual of Policies and Procedures.

Responsibilities:

The Dispute Resolution Committee provides an avenue for members to resolve a dispute without the expense of litigation, and a procedure to revoke the membership of persons who abuse the terms of membership in this Association. The Dispute Resolution Committee process is not a substitute for recourse available through typical channels, such as Superior Court and the District Attorney's Office. Significant debt owed or allegations of a criminal nature may require a referral to proper authorities.

The Dispute Resolution Committee will hear two types of complaints: Monetary disputes and unethical/unprofessional conduct disputes. The Dispute Resolution process is available to current CALSPRO members in good standing only. A complaint may be filed against a former member, so long as the lapse in membership is no more than twelve (12) months from the date of filing. In the case that a committee member is a party to the complaint, that individual shall recuse him or

herself from the proceedings. If the Chairman is recused, the President will serve as or appoint a temporary chairman. Dispute resolution procedures shall be defined in this Manual of Policies and Procedures of the Association.

Reporting:

- Submits an article regarding dispute resolution for the newsletter each quarter.
- Submits a written report to the Board of Directors.
- Submits a year-end report for the Annual Conference.

DISPUTE RESOLUTION PROCEDURES

Forms:

The following forms are available on the CALSPro website:

- Notice of Pending Complaint
- Nonpayment Complaint
- Dispute Resolution Transmittal Form (Mandatory)

Reliable Notice Defined:

The Dispute Resolution procedures are based upon notices, responses and rebuttals and a time table set for each. Accordingly, the methods for communicating in this process have been defined. Reliable notice shall include the following: 1. Electronic delivery (fax/email) and regular mail; **or** 2. Electronic delivery (fax/email) and pouch; **or** 3. Overnight mail service (UPS, FedEx, etc.); **or** 4. Certified mail; **or** 5. Personal service. The due date for responses is calculated from the date of the transmission as indicated on the Dispute Resolution Transmittal Form. Accordingly, the use of the Dispute Resolution Transmittal Form is **REQUIRED** and shall include the date of transmission and method of delivery.

Procedure To File A Monetary Dispute

1. See the CALSPro Web Site for copies of the *Notice of Pending Complaint*, *Nonpayment Complaint*, *Dispute Resolution Transmittal Form*, as well as contact information for the Chairman of the Dispute Resolution Committee.
2. The complaining member (“complainant”) shall take steps to collect a debt from the nonpaying member (“respondent”). If the debt remains unpaid after reasonable efforts are exhausted, the complainant shall send a *Notice of Pending Complaint* and a completed *Dispute Resolution Transmittal Form* to the respondent, with a copy to the Dispute Resolution Chairman. The respondent has ten (10) days from the date of transmission to pay the balance due.
3. If payment is not received the complainant may file a complaint with the Chairman of the Dispute Resolution Committee. The following documents shall be included in this complaint

package: The completed and signed *Nonpayment Complaint* and a completed *Dispute Resolution Transmittal Form*, along with a copy of the *Notice of Pending Complaint*, and all supporting documentation.

4. The Chairman shall deliver the complaint to the respondent who shall have ten (10) days from the date of transmission of the notice to deliver a response to the Chairman.

5. The Chairman shall deliver the response to the complainant who shall have five (5) days from the date of transmission of the notice to deliver a rebuttal to the Chairman.

6. The objective of this part of the dispute process is an effort on the Committee's part to assist the parties in dispute resolution. The Chairman will assist in the exchange of information and encourage dialog between the parties. It is appropriate for the Committee to review all data and offer practical options for resolution to the parties.

7. In the case that the parties reach an agreement, the Chairman shall prepare a summary of the agreement, retain a copy for the Committee record and deliver a copy to the parties and the Administrator's Office. Due dates for payment, amount to be paid, etc, shall be included in this report.

8. In the case that there is no progress at this juncture due to disagreement, a lack of response, or lack of cooperation in general with the dispute resolution procedures, the Chairman shall send written notice of the intent to render a decision. The notice shall include a deadline for a response as determined by the Chairman and shall include the following warning: **Failure by a CALSPro member to cooperate with the Dispute Resolution Committee in its investigation of a complaint may result in expulsion from CALSPro**

9. In the event there is no response received by the deadline, the Committee shall meet to review all data presented and render a decision on the complaint. The Committee may elect to render a decision as to the amount due and owing pursuant to the complaint. The Committee may also determine that it is appropriate to censure, suspend or revoke membership and publish the decision of the Committee. The Committee may consider previously filed complaints when rendering a decision. The Committee's decision shall be forwarded to the President for review and approval. Once approved, the Chairman shall send the decision to the parties and the Administrator's Office.

10. The Chairman of the Dispute Resolution Committee, at his or her discretion may extend any of the above timelines for good cause.

Procedure To File An Unethical or Unprofessional Conduct Complaint

1. Any member who has cause to complain that a member of CALSPro has violated a provision of the Bylaws or Code of Ethics may submit to the Chairman of the Dispute Resolution Committee a written complaint setting forth the particulars of the complaint, along with all supporting documentation.

2. The Chairman shall deliver the complaint to the respondent who shall have ten (10) days from the date of the transmission of the notice to deliver a response to the Chairman.
3. The Chairman shall deliver the response to the complainant who shall have five (5) days from the date of transmission of the notice to deliver a rebuttal to the Chairman.
4. The objective of this part of the dispute process is an effort on the Committee's part to assist the parties in dispute resolution. The Chairman will assist in the exchange of information and encourage dialog between the parties. It is appropriate for the Committee to review all data and offer practical options for resolution to the parties.
5. In the case that the parties reach an agreement, the Chairman shall prepare a summary of the agreement, retain a copy for the Committee record and deliver a copy to the parties and the Administrator's Office.
6. In the case that there is no progress at this juncture due to disagreement, a lack of response, or failure to cooperate in general with the dispute resolution procedures, the Chairman shall send written notice of the intent to render a decision. The notice shall include a deadline for a response as determined by the Chairman and shall include the following warning: **Failure by a CALSPro member to cooperate with the Dispute Resolution Committee in its investigation of a complaint may result in expulsion from CALSPro.**
7. At such time as the Committee convenes to review this complaint and to render a decision regarding an unethical/unprofessional conduct complaint, the President and Chairman of the Bylaws committee shall also attend and participate in the decision-making process. The Committee may determine that it is appropriate to censure, suspend or revoke membership and publish the decision of the Committee. The Committee may consider previously filed complaints when rendering a decision. The Committee's decision shall be forwarded to the President for review and approval. Once approved, the Chairman shall send the decision to the parties and the Administrator's Office.
8. The Chairman of the Dispute Resolution Committee, at his or her discretion may extend any of the above timelines for good cause.

Appeal

An appeal of a Dispute Resolution decision must be received by the Dispute Resolution Chairman within ten (10) days from the date of transmission of the Dispute Resolution Decision as indicated on the Dispute Resolution Transmittal Form. The notice of appeal shall include all supporting declarations and documentation for review. The Chairman shall immediately deliver a copy of the notice of appeal and supporting information to the President and Chairman of the Board for distribution so that the Board of Directors may review the matter and render a decision at either the next regularly scheduled meeting or during a special meeting, to be determined by the Chairman of the Board. The decision of the Board of Directors is final and not subject to further appeal.

Retention of Complaints

Once a matter has been resolved or disposed of, the Chairman shall forward the file to the Administrator for retention. The Chairman shall retain the dispute files of his/her term in digital form and deliver those files to the next Committee Chair for review and consideration as needed.

Conclusion:

Failure to comply with the bylaws of this Association, or the procedures as outlined in this policy manual, or the rulings and decisions of the Dispute Resolution Committee and/or Board of Directors shall constitute sufficient grounds for suspension, expulsion, or any sanction as deemed appropriate.

The purpose of this Policy is to insure that every member is treated fairly and justly. To this end, the Committee and/or the Board shall have the authority to take the action necessary to carry out the purpose of the Policy, including but not limited to, the granting of extensions and reconsiderations.