

Amendments to the California Rules of Court
and the Ethics Standards for Neutral Arbitrators in Contractual Arbitration
Adopted by the Judicial Council on October 25, 2013, and December 13, 2013
effective on January 1, 2014, and July 1, 2014

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1 **Rule 5.575. Joinder of Agencies**

2
3 **(a) Basis for joinder (§§ 362, 365, 727)**

4
5 ~~After a child has been adjudged a dependent child or a ward of the court,~~ The court
6 may, at any time after a petition has been filed, following notice and a hearing, join
7 in the court-proceedings any government agency or private service provider (as
8 defined in ~~§ 362(e)~~ section 362) that the court determines has failed to meet a legal
9 obligation to provide services to ~~the~~ a child or a nonminor or nonminor dependent
10 youth for whom a petition has been filed under section 300, 601, or 602. The court
11 may not impose duties on an agency beyond those required by law.

12
13 *(Subd (a) amended effective January 1, 2014; previously amended effective January 1,*
14 *2007.)*

15
16 **(b) Notice and Hearing**

17
18 On application by a party, counsel, or CASA volunteer, or on the court's own
19 motion, the court may set a hearing and require notice to the agency or provider
20 subject to joinder.

- 21
22 (1) ~~Notice of the hearing to the agency or provider must be given to the agency~~
23 ~~on Notice of Hearing on Joinder—Juvenile (form JV-540). The notice must~~
24 ~~clearly describe the legal obligation at issue, the facts and circumstances~~
25 ~~alleged to constitute the agency's failure to meet that obligation, state the~~
26 ~~allegations of the agency's or provider's failure to meet a legal obligation, as~~
27 ~~well as and any issues or questions the court wants expects the agency or~~
28 ~~provider to address at the hearing.~~
29
30 (2) The hearing must be set to occur within 30 calendar days of the signing of the
31 notice by the court. The hearing will proceed under the provisions of rule
32 5.570(h) or (i), as appropriate.
33
34 (3) ~~The clerk of the juvenile court must cause the notice to be served on the~~
35 ~~agency or provider and the persons prescribed by sections 291 and 658 either~~
36 ~~personally or and all parties, attorneys of record, the CASA volunteer, any~~
37 ~~other person or entity entitled to notice under section 291 or 658, and, if the~~
38 ~~hearing might address educational or developmental-services issues, the~~
39 ~~educational rights holder by first-class mail within 5 court days after of the~~
40 ~~signing of the notice.~~
41
42 (4) Nothing in this rule prohibits agencies from meeting before the hearing to
43 coordinate the delivery of services. The court may request, ~~by using section 8~~

1 of form JV-540, that agency representatives meet before the hearing and that
2 the agency or agencies submit a written response to the court. ~~Any such~~
3 ~~response must be filed~~ at least 5 court days before the hearing.
4

5 *(Subd (b) amended effective January 1, 2014; previously amended effective January 1,*
6 *2006, and January 1, 2007.)*

7
8 **~~(e) Conduct of hearing~~**

9
10 ~~The hearing must be conducted under rule 5.570(f) or (g). The court may not~~
11 ~~impose duties on a government agency or private service provider beyond those~~
12 ~~required by statute.~~

13
14 *Rule 5.575 amended effective January 1, 2014; adopted as rule 1434 effective January 1, 2002;*
15 *previously amended effective January 1, 2006; amended and renumbered effective January 1,*
16 *2007.*

17
18 **Rule 8.44. Number of copies of filed documents**

19
20 Except as these rules provide otherwise, the number of copies of every brief, petition,
21 motion, application, or other document that must be filed in a reviewing court is as
22 follows:

23
24 **(a) Documents filed in the Supreme Court**

25
26 (1) ~~Except as provided in (4), An original and 13 copies~~ of a petition for review,
27 an answer, a reply, a brief on the merits, an amicus curiae brief, an answer to
28 an amicus curiae brief, a petition for rehearing, or an answer to a petition for
29 rehearing; and either

30
31 (A) 13 paper copies; or

32 (B) 8 paper copies and one electronic copy;

33
34 (2) Unless the court orders otherwise, an original ~~and 10 copies~~ of a petition for a
35 writ within the court's original jurisdiction, an opposition or other response to
36 the petition, or a reply; and either:

37
38 (A) 10 paper copies; or

39
40 (B) 8 paper copies and one electronic copy;

41
42 (3)–(6) * * *

43

1 (Subd (a) amended effective January 1, 2014.)

2
3 **(b) Documents filed in a Court of Appeal**

4
5 (1) An original and 4 paper copies of a brief, an amicus curiae brief, or an answer
6 to an amicus curiae brief, ~~and, In civil appeals, proof of delivery of for briefs~~
7 other than petitions for rehearing or answers thereto, 1 electronic copy or, in
8 case of undue hardship, proof of delivery of 4 paper copies to the Supreme
9 Court, as provided in rule 8.212(c) is also required. ~~For purposes of service~~
10 ~~on the Supreme Court, the term “brief” does not include a petition for~~
11 ~~rehearing or answers thereto;~~

12
13 (2)–(7) * * *

14
15 (Subd (b) amended effective January 1, 2014; previously amended effective January 1,
16 2011, and January 1, 2013.)

17
18 **(c) Electronic copies**

19
20 A court may provide by local rule for the submission of an electronic copy of a
21 document either in addition to the copies of a document required to be filed under
22 (a) or (b) or as a substitute for one or more of these copies. The local rule must
23 specify the format of the electronic copy and provide for an exception if it would
24 cause undue hardship for a party to submit an electronic copy.

25
26 (Subd (c) adopted effective January 1, 2014.)

27
28 Rule 8.44 amended effective January 1, 2014; adopted effective January 1, 2007; previously
29 amended effective January 1, 2007, January 1, 2011, and January 1, 2013.

30
31 **Advisory Committee Comment**

32
33 The initial sentence of this rule acknowledges that there are exceptions to this rule’s requirements
34 concerning the number of copies. See, for example, rule 8.150, which specifies the number of
35 copies of the record that must be filed.

36
37 Information about electronic submission of copies of documents can be found on the web page
38 for the Supreme Court at: www.courts.ca.gov/appellatebriefs or for the Court of Appeal District
39 in which the brief is being filed at: www.courts.ca.gov/courtssofar.

40
41 Note that submitting an electronic copy of a document under this rule or under a local rule
42 adopted pursuant to subdivision (c) does not constitute filing a document electronically under

1 rules 8.70–8.79 and thus does not substitute for the filing of the original document with the court
2 in paper format.

3
4 **Rule 8.212. Service and filing of briefs**

5
6 **(a)–(b) * * ***

7
8 **(c) Service**

9
10 (1) * * *

11
12 (2) If a brief is not filed electronically under rules 8.70–8.79, one electronic copy
13 of each brief must be served on submitted to the Court of Appeal Supreme
14 Court by sending the copy to the Supreme Court electronic service address.
15 For purposes of this requirement, the term “brief” does not include a petition
16 for rehearing or an answer thereto.

17
18 (A) The copy must be a single computer file in text-searchable Portable
19 Document Format (PDF), and it must exactly duplicate the appearance
20 of the paper copy, including the order and pagination of all of the
21 brief’s components. By electronically ~~servi~~ng submitting the copy, the
22 filer certifies that the copy complies with these requirements and that
23 all reasonable steps have been taken to ensure that the copy does not
24 contain computer code, including viruses, that might be harmful to the
25 court’s ~~electronic filing~~ system for receipt of electronic copies or and to
26 other users of that system.

27
28 (B) * * *

29
30 (C) If it would cause undue hardship for the party filing the brief to ~~serve~~
31 submit an electronic copy of the brief ~~on~~ to the Supreme Court of
32 Appeal, the party may instead serve four paper copies of the brief on
33 the Supreme Court. If the Court of Appeal has ordered the brief sealed,
34 the party serving the brief must place all four copies of the brief in a
35 sealed envelope and attach a cover sheet that contains the information
36 required by rule 8.204(b)(10) and labels the contents as
37 “CONDITIONALLY UNDER SEAL.” The Court of Appeal clerk must
38 promptly notify the Supreme Court of any court order unsealing the
39 brief. In the absence of such notice, the Supreme Court clerk must keep
40 all copies of the brief under seal.

41
42 (3) * * *

1 (Subd (c) amended effective January 1, 2014; previously amended effective January 1,
2 2004, January 1, 2005, January 1, 2007, January 1, 2008, and January 1, 2013.)

3
4 Rule 8.212 amended effective January 1, 2014; repealed and adopted as rule 15 effective January
5 1, 2002; previously amended and renumbered effective January 1, 2007; previously amended
6 effective January 1, 2003, January 1, 2004, January 1, 2005, July 1, 2005, January 1, 2008,
7 January 1, 2010, January 1, 2011, and January 1, 2013.

8
9 **Advisory Committee Comment**

10
11 **Subdivision (a).** * * *

12
13 **Subdivision (b).** * * *

14
15 **Subdivision (c).** In subdivision (c)(2) the word “brief” means only (1) an appellant’s opening
16 brief, (2) a respondent’s brief, (3) an appellant’s reply brief, (4) an amicus curiae brief, or (5) an
17 answer thereto. It follows that no other documents or papers filed in the Court of Appeal,
18 whatever their nature, should be served on the Supreme Court. Further, only briefs filed in the
19 Court of Appeal “in a civil appeal” must be served on the Supreme Court. It follows that no briefs
20 filed in the Court of Appeal in criminal appeals or in original proceedings should be served on the
21 Supreme Court.

22
23 ~~“Electronic service address” is defined in rule 8.70. The Supreme Court’s electronic filing~~
24 ~~address and additional information about sending electronic submission of copies of briefs to the~~
25 ~~Supreme Court of Appeal can be found on the web page for the Court of Appeal district in which~~
26 ~~the brief is being filed on the California Courts website at www.courts.ca.gov/appellatebriefs.htm~~
27 ~~[courts of appeal](http://www.courts.ca.gov/appellatebriefs.htm).~~

28
29 Examples of “undue hardship” under (2)(C) include but are not limited to when a party does not
30 have access to a computer or the software necessary to prepare an electronic copy of a brief or
31 does not have e-mail access to electronically ~~serve~~ submit a brief ~~on the Supreme to the Court of~~
32 Appeal.

1 **Ethics Standards for Neutral Arbitrators in Contractual Arbitration**

2 *The Ethics Standards for Neutral Arbitrators in Contractual Arbitration were adopted by the Judicial*
3 *Council effective July, 2002, and further substantially amended and reorganized effective January 1, 2003.*

4
5 **Standard 2. Definitions**

6
7 As used in these standards:

8
9 **(a) Arbitrator and neutral arbitrator**

10
11 (1) * * *

12
13 (2) Where the context includes events or acts occurring before an appointment is
14 final, “arbitrator” and “neutral arbitrator” include a person who has been
15 served with notice of a proposed nomination or appointment. For purposes of
16 these standards, “proposed nomination” does not include nomination of
17 persons by a court under Code of Civil Procedure section 1281.6 to be
18 considered for possible selection as an arbitrator by the parties or
19 appointment as an arbitrator by the court.

20
21 *(Subd (a) amended effective July 1, 2014.)*

22
23 **(b)–(n) * * ***

24
25 **(o)** “Member of the arbitrator’s extended family” means the parents, grandparents,
26 great-grandparents, children, grandchildren, great-grandchildren, siblings, uncles,
27 aunts, nephews, and nieces of the arbitrator or the arbitrator’s spouse or domestic
28 partner or the spouse or domestic partner of such person.

29
30 *(Subd (o) amended effective July 1, 2014.)*

31
32 **(p)–(s) * * ***

33
34 *Standard 2 amended effective July 1, 2014.*

35
36 **Standard 3. Application and effective date**

37
38 **(a)** * * *

39
40 **(b)** These standards do not apply to:

41
42 (1) * * *

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(2) Any arbitrator serving in:

(A)–(C) * * *

(D) An automobile warranty dispute resolution process certified under California Code of Regulations title 16, division 33.1 or an informal dispute settlement procedure under Code of Federal Regulations title 16, chapter 1, part 703;

(E)–(F) * * *

(G) An arbitration of a complaint filed against a contractor with the Contractors State License Board under Business and Professions Code sections 7085 through 7085.7; ~~or~~

(H) An arbitration conducted under or arising out of public or private sector labor-relations laws, regulations, charter provisions, ordinances, statutes, or agreements; or

(I) An arbitration proceeding governed by rules adopted by a securities self-regulatory organization and approved by the United States Securities and Exchange Commission under federal law.

(Subd (b) amended effective July 1, 2014.)

(c) The following persons are not subject to the standards or to specific amendments to the standards in certain arbitrations:

(1) Persons who are serving in arbitrations in which they were appointed to serve as arbitrators before July 1, 2002, are not subject to these standards in those arbitrations.

(2) Persons who are serving in arbitrations in which they were appointed to serve as arbitrators before January 1, 2003, are not subject to standard 8 in those arbitrations.

(3) Persons who are serving in arbitrations in which they were appointed to serve as arbitrators before July 1, 2014, are not subject to the amendments to standards 2, 7, 8, 12, 16, and 17 that took effect July 1, 2014 in those arbitrations.

(Subd (c) amended effective July 1, 2014.)

1 *Standard 3 amended effective July 1, 2014.*

2
3 **Comment to Standard 3**

4
5 With the exception of standard 8 and the amendments to standards 2, 7, 8, 12, 16, and 17 that
6 took effect July 1, 2014, these standards apply to all neutral arbitrators appointed on or after July
7 1, 2002, who meet the criteria of subdivision (a). Arbitration provider organizations, although not
8 themselves subject to these standards, should be aware of them when performing administrative
9 functions that involve arbitrators who are subject to these standards. A provider organization's
10 policies and actions should facilitate, not impede, compliance with the standards by arbitrators
11 who are affiliated with the provider organization.

12
13 Subdivision (b)(2)(I) is intended to implement the decisions of the California Supreme Court in
14 *Jevne v. Superior Court* ((2005) 35 Cal.4th 935) and of the United States Court of Appeals for the
15 Ninth Circuit in *Credit Suisse First Boston Corp. v. Grunwald* ((9th Cir. 2005) 400 F.3d 1119).

16
17 **Standard 7. Disclosure**

18
19 (a) * * *

20
21 (b) **General provisions**

22
23 For purposes of this standard:

24
25 (1) * * *

26
27 (2) *Offers of employment or professional relationship*

28
29 (A) Except as provided in (B), if an arbitrator has disclosed to the parties in
30 an arbitration that he or she will entertain offers of employment or of
31 professional relationships from a party or lawyer for a party while the
32 arbitration is pending as required by subdivision (b) of standard 12, the
33 arbitrator is not also required under this standard to disclose to the
34 parties in that arbitration any such offer from a party or lawyer for a
35 party that he or she subsequently receives or accepts while that
36 arbitration is pending.

37
38 (B) In a consumer arbitration, if an arbitrator has disclosed to the parties
39 that he or she will entertain offers of employment or of professional
40 relationships from a party or lawyer for a party while the arbitration is
41 pending as required by subdivision (b) of standard 12 and has informed
42 the parties in the pending arbitration about any such offer and the
43 acceptance of any such offer as required by subdivision (d) of standard

1 12, the arbitrator is not also required under this standard to disclose that
2 offer or the acceptance of that offer to the parties in that arbitration.

3
4 (3) * * *

5
6 *(Subd (b) amended effective July 1, 2014.)*

7
8 **(c) Time and manner of disclosure**

9
10 **(1) Initial disclosure**

11
12 Within ~~ten~~ 10 calendar days of service of notice of the proposed nomination
13 or appointment, a proposed arbitrator must disclose to all parties in writing all
14 matters listed in subdivisions (d) and (e) of this standard of which the
15 arbitrator is then aware.

16
17 **(2) Supplemental disclosure**

18
19 If an arbitrator subsequently becomes aware of a matter that must be
20 disclosed under either subdivision (d) or (e) of this standard, the arbitrator
21 must disclose that matter to the parties in writing within 10 calendar days
22 after the arbitrator becomes aware of the matter.

23
24 *(Subd (c) amended effective July 1, 2014.)*

25
26 **(d) Required disclosures**

27
28 ~~A person who is nominated or appointed as an arbitrator~~ A proposed arbitrator or
29 arbitrator must disclose all matters that could cause a person aware of the facts to
30 reasonably entertain a doubt that the ~~proposed~~ arbitrator would be able to be
31 impartial, including, but not limited to, all of the following:

32
33 **(1) Family relationships with party**

34
35 The arbitrator or a member of the arbitrator's immediate or extended family
36 is:

37
38 **(A) A party;**

39
40 **(B) a party's ~~The~~ spouse or domestic partner; of a party; or**

41
42 **(C) An officer, director, or trustee of a party.**

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(2) *Family relationships with lawyer in the arbitration*

(A) Current relationships

The arbitrator, or the spouse, former spouse, domestic partner, child, sibling, or parent of the arbitrator or the arbitrator’s spouse or domestic partner is:

~~(A)~~(i) * * *

~~(B)~~(ii) * * *

~~(C)~~(iii) * * *

(B) Past relationships

The arbitrator or the arbitrator’s spouse or domestic partner was associated in the private practice of law with a lawyer in the arbitration within the preceding two years.

(3) * * *

(4) *Service as arbitrator for a party or lawyer for party*

(A) The arbitrator is serving or, within the preceding five years, has served:

(i)–(ii) * * *

(iii) As a neutral arbitrator in another prior or pending noncollective bargaining case in which he or she was selected by a person serving as a party-appointed arbitrator in the current arbitration.

(B)–(C) * * *

(5) *Compensated service as other dispute resolution neutral*

The arbitrator is serving or has served as a dispute resolution neutral other than an arbitrator in another pending or prior noncollective bargaining case involving a party or lawyer for a party and the arbitrator received or expects to receive any form of compensation for serving in this capacity.

(A) Time frame

1 For purposes of this paragraph (5), “prior case” means any case in
2 which the arbitrator concluded his or her service as a dispute resolution
3 neutral within two years before the date of the arbitrator’s proposed
4 nomination or appointment, ~~but does not include any case in which the~~
5 ~~arbitrator concluded his or her service before January 1, 2002.~~

6
7 (B)–(C) * * *

8
9 (6)–(7) * * *

10
11 (8) Employee, expert witness, or consultant relationships

12
13 The arbitrator or a member of the arbitrator’s immediate family is or, within
14 the preceding two years, was an employee of or an expert witness or a
15 consultant for a party or for a lawyer in the arbitration.

16
17 (8)(9) Other professional relationships

18
19 Any other professional relationship not already disclosed under paragraphs
20 (2)–(7)(8) that the arbitrator or a member of the arbitrator’s immediate family
21 has or has had with a party or lawyer for a party, ~~including the following:~~

22
23 (A) ~~The arbitrator was associated in the private practice of law with a~~
24 ~~lawyer in the arbitration within the last two years.~~

25
26 (B) ~~The arbitrator or a member of the arbitrator’s immediate family is or,~~
27 ~~within the preceding two years, was an employee of or an expert~~
28 ~~witness or a consultant for a party; and~~

29
30 (C) ~~The arbitrator or a member of the arbitrator’s immediate family is or,~~
31 ~~within the preceding two years, was an employee of or an expert~~
32 ~~witness or a consultant for a lawyer in the arbitration.~~

33
34 (9)(10) * * *

35
36 (10)(11) * * *

37
38 (11)(12) * * *.

39
40 (12)(13) * * *

41
42 (13)(14) Membership in organizations practicing discrimination

1 The arbitrator's ~~membership in~~ is a member of any organization that practices
2 invidious discrimination on the basis of race, sex, religion, national origin, or
3 sexual orientation. Membership in a religious organization, an official
4 military organization of the United States, or a nonprofit youth organization
5 need not be disclosed unless it would interfere with the arbitrator's proper
6 conduct of the proceeding or would cause a person aware of the fact to
7 reasonably entertain a doubt concerning the arbitrator's ability to act
8 impartially.

9
10 ~~(14)~~(15) Any other matter that:

11
12 (A)–(C) * * *

13
14 *(Subd (d) amended effective July 1, 2014.)*

15
16 (e) ~~Inability to conduct or timely complete proceedings~~ **Other required**
17 **disclosures**

18
19 In addition to the matters that must be disclosed under subdivision (d), ~~an~~ a
20 proposed arbitrator or arbitrator must also disclose:

21
22 (1) Professional discipline

23
24 (A) If the arbitrator has been disbarred or had his or her license to practice a
25 profession or occupation revoked by a professional or occupational
26 disciplinary agency or licensing board, whether in California or
27 elsewhere. The disclosure must specify the date of the revocation, what
28 professional or occupational disciplinary agency or licensing board
29 revoked the license, and the reasons given by that professional or
30 occupational disciplinary agency or licensing board for the revocation.

31
32 (B) If the arbitrator has resigned his or her membership in the State Bar or
33 another professional or occupational licensing agency or board,
34 whether in California or elsewhere, while public or private disciplinary
35 charges were pending. The disclosure must specify the date of the
36 resignation, what professional or occupational disciplinary agency or
37 licensing board had charges pending against the arbitrator at the time of
38 the resignation, and what those charges were.

39
40 (C) If within the preceding 10 years public discipline other than that
41 covered under (A) has been imposed on the arbitrator by a professional
42 or occupational disciplinary agency or licensing board, whether in
43 California or elsewhere. "Public discipline" under this provision means

1 attorney in the arbitration. A party may disqualify an arbitrator for failure to comply with
2 statutory disclosure obligations (see Code Civ. Proc., § 1281.91(a)). Failure to disclose, within
3 the time required for disclosure, a ground for disqualification of which the arbitrator was then
4 aware is a ground for *vacatur* of the arbitrator’s award (see Code Civ. Proc., § 1286.2(a)(6)(A)).
5

6 The arbitrator’s overarching duty under subdivision (d) of this standard, which mirrors the duty
7 set forth in Code of Civil Procedure section 1281.9, is to inform parties about matters that could
8 cause a person aware of the facts to reasonably entertain a doubt that the ~~proposed~~ arbitrator
9 would be able to be impartial. While the remaining subparagraphs of subdivision (d) require the
10 disclosure of specific interests, relationships, or affiliations, these are only examples of common
11 matters that could cause a person aware of the facts to reasonably entertain a doubt that the
12 arbitrator would be able to be impartial. The ~~absence of the particular fact that none of the~~
13 interests, relationships, or affiliations specifically listed in the subparagraphs of (d) are present in
14 a particular case does not necessarily mean that there is no matter that could reasonably raise a
15 question about the arbitrator’s ability to be impartial and that therefore must be disclosed.
16 Similarly, the fact that a particular interest, relationship, or affiliation present in a case is not
17 specifically enumerated in one of the examples given in these subparagraphs does not mean that it
18 must not be disclosed. An arbitrator must make determinations concerning disclosure on a case-
19 by-case basis, applying the general criteria for disclosure under ~~paragraph~~ subdivision (d): is the
20 matter something that could cause a person aware of the facts to reasonably entertain a doubt that
21 the arbitrator would be able to be impartial?
22

23 Code of Civil Procedure section 1281.85 specifically requires that the ethics standards adopted by
24 the Judicial Council address the disclosure of interests, relationships, or affiliations that may
25 constitute conflicts of interest, including prior service as an arbitrator or other dispute resolution
26 neutral entity. Section 1281.85 further provides that the standards “shall be consistent with the
27 standards established for arbitrators in the judicial arbitration program and may expand but may
28 not limit the disclosure and disqualification requirements established by this chapter [chapter 2 of
29 title 9 of part III, Code of Civil Procedure, sections 1281–1281.95].”
30

31 Code of Civil Procedure section 1281.9 already establishes detailed requirements concerning
32 disclosures by arbitrators, including a specific requirement that arbitrators disclose the existence
33 of any ground specified in Code of Civil Procedure section 170.1 for disqualification of a judge.
34 This standard does not eliminate or otherwise limit those requirements; in large part, it simply
35 consolidates and integrates those existing statutory disclosure requirements by topic area. This
36 standard does, however, expand upon or clarify the existing statutory disclosure requirements in
37 the following ways:
38

- 39 • Requiring arbitrators to ~~disclose~~ make supplemental disclosures to the parties regarding
40 any matter about which they become aware after the time for making an initial disclosure
41 has expired, within 10 calendar days after the arbitrator becomes aware of the matter
42 (subdivision ~~(f)~~(c)).

- 1 • Expanding required disclosures about the relationships or affiliations of an arbitrator’s
2 family members to include those of an arbitrator’s domestic partner (subdivisions (d)(1)
3 and (2); see also definitions of immediate and extended family in standard 2).
- 4 • Requiring arbitrators, in addition to making statutorily required disclosures regarding
5 prior service as an arbitrator for a party or attorney for a party, to disclose both prior
6 services ~~both~~ as a neutral arbitrator selected by a party arbitrator in the current arbitration
7 and prior compensated service as any other type of dispute resolution neutral for a party
8 or attorney in the arbitration (e.g., temporary judge, mediator, or referee) (subdivisions
9 (d)(4)(~~C~~)(A)(iii) and (5)).
- 10 • If a disclosure includes information about five or more cases, requiring arbitrators to
11 provide a summary of that information (subdivisions (d)(4)(C) and (5)(C)).
- 12 • Requiring the arbitrator to disclose if he or she or a member of his or her immediate
13 family is or, within the preceding two years, was an employee, expert witness, or
14 consultant for a party or a lawyer in the arbitration (subdivisions (d)(8) (~~A~~) and (~~B~~)).
- 15 • Requiring the arbitrator to disclose if he or she or a member of his or her immediate
16 family has an interest that could be substantially affected by the outcome of the
17 arbitration (subdivision (d)(~~11~~)(12)).

18
19 ~~If a disclosure includes information about five or more cases, requiring arbitrators to provide a~~
20 ~~summary of that information (subdivisions (d)(4) and (5)).~~

- 21 • Requiring arbitrators to disclose membership in organizations that practice invidious
22 discrimination on the basis of race, sex, religion, national origin, or sexual orientation
23 (subdivision (d)(~~13~~)(14)).
- 24 • Requiring the arbitrator to disclose if he or she was disbarred or had his or her license to
25 practice a profession or occupation revoked by a professional or occupational disciplinary
26 agency or licensing board, resigned membership in the State Bar or another licensing
27 agency or board while disciplinary charges were pending, or had any other public
28 discipline imposed on him or her by a professional or occupational disciplinary agency or
29 licensing board within the preceding 10 years (subdivision (e)(1)). The standard identifies
30 the information that must be included in such a disclosure; however, arbitrators may want
31 to provide additional information to assist parties in determining whether to disqualify an
32 arbitrator based on such a disclosure.
- 33 • Requiring the arbitrator to disclose any constraints on his or her availability known to the
34 arbitrator that will interfere with his or her ability to commence or complete the
35 arbitration in a timely manner (subdivision (~~d~~)(e)(2)).
- 36 • Clarifying that the duty to make disclosures is a continuing obligation, requiring
37 disclosure of matters that were not known at the time of nomination or appointment but
38 that become known afterward (subdivision (~~e~~)(f)).

39
40 It is good practice for an arbitrator to ask each participant to make an effort to disclose any
41 matters that may affect the arbitrator’s ability to be impartial.

1 **Standard 8. Additional disclosures in consumer arbitrations administered by a**
2 **provider organization**

3
4 **(a) General provisions**

5
6 (1) *Reliance on information provided by provider organization*

7
8 Except as to the information in (c)(1), an arbitrator may rely on information
9 supplied by the administering provider organization in making the disclosures
10 required by this standard only if the provider organization represents that the
11 information the arbitrator is relying on is current through the end of the
12 immediately preceding calendar quarter. If the information that must be
13 disclosed is available on the Internet, the arbitrator may comply with the
14 obligation to disclose this information by providing in the disclosure
15 statement required under standard 7(c)(1) the Internet address of the specific
16 web page at which the information is located and notifying the party that the
17 arbitrator will supply hard copies of this information upon request.

18
19 (2) * * *

20
21 *(Subd (a) amended effective July 1, 2014.)*

22
23 **(b) Additional disclosures required**

24
25 In addition to the disclosures required under standard 7, in a consumer arbitration
26 as defined in standard 2 in which a dispute resolution provider organization is
27 coordinating, administering, or providing the arbitration services, a ~~person~~
28 proposed arbitrator who is nominated or appointed as an arbitrator on or after
29 January 1, 2003 must disclose the following within the time and in the same
30 manner as the disclosures required under standard 7(c)(1):

31
32 (1) *Relationships between the provider organization and party or lawyer in*
33 *arbitration*

34
35 Any significant past, present, or currently expected financial or professional
36 relationship or affiliation between the administering dispute resolution
37 provider organization and a party or lawyer in the arbitration. Information
38 that must be disclosed under this standard includes:

39
40 (A) The provider organization has a financial interest in a party.

1 ~~(A)~~(B) A party, a lawyer in the arbitration, or a law firm with which a lawyer
2 in the arbitration is currently associated is a member of or has a
3 financial interest in the provider organization.
4

5 ~~(B)~~(C) Within the preceding two years the provider organization has received
6 a gift, bequest, or favor from a party, a lawyer in the arbitration, or a
7 law firm with which a lawyer in the arbitration is currently associated.
8

9 ~~(C)~~(D) The provider organization has entered into, or the arbitrator currently
10 expects that the provider organization will enter into, an agreement or
11 relationship with any party or lawyer in the arbitration or a law firm
12 with which a lawyer in the arbitration is currently associated under
13 which the provider organization will administer, coordinate, or provide
14 dispute resolution services in other noncollective bargaining matters or
15 will provide other consulting services for that party, lawyer, or law
16 firm.
17

18 ~~(D)~~(E) The provider organization is coordinating, administering, or providing
19 dispute resolution services or has coordinated, administered, or
20 provided such services in another pending or prior noncollective
21 bargaining case in which a party or lawyer in the arbitration was a party
22 or a lawyer. For purposes of this paragraph, “prior case” means a case
23 in which the dispute resolution neutral affiliated with the provider
24 organization concluded his or her service within the two years before
25 the date of the arbitrator’s proposed nomination or appointment, but
26 does not include any case in which the dispute resolution neutral
27 concluded his or her service before July 1, 2002.
28

29 (2) *Case information*

30
31 If the provider organization is acting or has acted in any of the capacities
32 described in paragraph (1)~~(D)~~(E), the arbitrator must disclose:
33

34 (A)–(C) * * *

35
36 (3) *Summary of case information*

37
38 If the total number of cases disclosed under paragraph (1)~~(D)~~(E) is greater
39 than five, the arbitrator must also provide a summary of these cases that
40 states:
41

42 (A)–(D) * * *
43

1 (Subd (b) amended effective July 1, 2014.)
2

3 **(c) Relationship between provider organization and arbitrator**
4

5 If a relationship or affiliation is disclosed under ~~paragraph~~ subdivision (b), the
6 arbitrator must also provide information about the following:
7

8 (1)–(4) * * *
9

10 (Subd (c) amended effective July 1, 2014.)
11

12 **(d) * * ***
13

14 *Standard 8 amended effective July 1, 2014.*
15

16 **Comment to Standard 8**
17

18 This standard only applies in consumer arbitrations in which a dispute resolution provider
19 organization is administering the arbitration. Like standard 7, this standard expands upon the
20 existing statutory disclosure requirements. Code of Civil Procedure section 1281.95 requires
21 arbitrators in certain construction defect arbitrations to make disclosures concerning relationships
22 between their employers or arbitration services and the parties in the arbitration. This standard
23 requires arbitrators in all consumer arbitrations to disclose any financial or professional
24 relationship between the administering provider organization and any party, attorney, or law firm
25 in the arbitration and, if any such relationship exists, then the arbitrator must also disclose his or
26 her relationship with the dispute resolution provider organization. This standard ~~does not~~ requires
27 an arbitrator to disclose if the provider organization has a financial interest in a party or lawyer in
28 the arbitration or if a party or lawyer in the arbitration has a financial interest in the provider
29 organization ~~because~~ even though provider organizations are prohibited under Code of Civil
30 Procedure section 1281.92 from administering any consumer arbitration where any such
31 relationship exists.
32

33 **Subdivision (b).** Currently expected relationships or affiliations that must be disclosed include all
34 relationships or affiliations that the arbitrator, at the time the disclosure is made, expects will be
35 formed. For example, if the arbitrator knows that the administering provider organization has
36 agreed in concept to enter into a business relationship with a party, but they have not yet signed a
37 written agreement formalizing that relationship, this would be a “currently expected” relationship
38 that the arbitrator would be required to disclose.
39

40 **Standard 12. Duties and limitations regarding future professional relationships or**
41 **employment**
42

1 (a) * * *

2
3 (b) **Offers for ~~other~~ employment or professional relationships other than as a**
4 **lawyer, expert witness, or consultant**

5
6 (1) In addition to the disclosures required by standards 7 and 8, within ten
7 calendar days of service of notice of the proposed nomination or
8 appointment, a proposed arbitrator must disclose to all parties in writing if,
9 while that arbitration is pending, he or she will entertain offers of
10 employment or new professional relationships in any capacity other than as a
11 lawyer, expert witness, or consultant from a party or a lawyer for a party,
12 including offers to serve as a dispute resolution neutral in another case.

13
14 (2) If the arbitrator discloses that he or she will entertain such offers of
15 employment or new professional relationships while the arbitration is
16 pending:

17
18 (A) In consumer arbitrations, the disclosure must also state that the
19 arbitrator will inform the parties as required under (d) if he or she
20 subsequently receives an offer while that arbitration is pending.

21
22 (B) In all other arbitrations, the disclosure must also state that the arbitrator
23 will not inform the parties if he or she subsequently receives an offer
24 while that arbitration is pending.

25
26 (3) A party may disqualify the arbitrator based on this disclosure by serving a
27 notice of disqualification in the manner and within the time specified in Code
28 of Civil Procedure section 1281.91(b).

29
30 *(Subd (b) amended effective July 1, 2014.)*

31
32 (c) **Acceptance of offers under (b) prohibited unless intent disclosed**

33
34 * * *

35
36 *(Subd (c) amended effective July 1, 2014.)*

37
38 (d) **Required notice of offers under (b)**

39
40 If, in the disclosure made under subdivision (b), the arbitrator states that he or she
41 will entertain offers of employment or new professional relationships covered by
42 (b), the arbitrator may entertain such offers. However, in consumer arbitrations,
43 from the time of appointment until the conclusion of the arbitration, the arbitrator

1 must inform all parties to the current arbitration of any such offer and whether it
2 was accepted as provided in this subdivision.

3
4 (1) The arbitrator in a consumer arbitration must notify the parties in writing of
5 any such offer within five days of receiving the offer and, if the arbitrator
6 accepts the offer, must notify the parties in writing within five days of that
7 acceptance. The arbitrator's notice must identify the party or attorney who
8 made the offer and provide a general description of the employment or new
9 professional relationship that was offered including, if the offer is to serve as
10 a dispute resolution neutral, whether the offer is to serve in a single case or
11 multiple cases.

12
13 (2) If the arbitrator fails to inform the parties of an offer or an acceptance as
14 required under (1), that constitutes a failure to comply with the arbitrator's
15 obligation to make a disclosure required under these ethics standards.

16
17 (3) If an arbitrator has informed the parties in a pending arbitration about an offer
18 as required under (1):

19
20 (A) Receiving or accepting that offer does not, by itself, constitute
21 corruption in or misconduct by the arbitrator;

22
23 (B) The arbitrator is not also required to disclose that offer or its acceptance
24 under standard 7; and

25
26 (C) The arbitrator is not subject to disqualification under standard 10(a)(2),
27 (3), or (5) solely on the basis of that offer or the arbitrator's acceptance
28 of that offer.

29
30 (4) An arbitrator is not required to inform the parties in a pending arbitration
31 about an offer under this subdivision if:

32
33 (A) He or she reasonably believes that the pending arbitration is not a
34 consumer arbitration based on reasonable reliance on a consumer
35 party's representation that the arbitration is not a consumer arbitration;

36
37 (B) The offer is to serve as an arbitrator in an arbitration conducted under
38 or arising out of public or private sector labor-relations laws,
39 regulations, charter provisions, ordinances, statutes, or agreements; or

40
41 (C) The offer is for uncompensated service as a dispute resolution neutral.

42
43 *(Subd (d) adopted effective July 1, 2014.)*

1
2 ~~(d)~~(e) * * *

3
4 *(Subd (e) relettered effective July 1, 2014; adopted as subd (d).)*

5
6 *Standard 12 amended effective July 1, 2014.*

7
8 **Comment to Standard 12**

9
10 **Subdivision (d)(1).** A party may disqualify an arbitrator for failure to make required disclosures,
11 including disclosures required by these ethics standards (see Code Civ. Proc., § 1281.91(a) and
12 standard 10(a)). Failure to disclose, within the time required for disclosure, a ground for
13 disqualification of which the arbitrator was then aware is also a ground for vacatur of the
14 arbitrator's award (see Code Civ. Proc., § 1286.2(a)(6)(A)).

15
16 **Subdivision (d)(4)(B).** The arbitrations identified under this provision are only those in which,
17 under Code of Civil Procedure section 1281.85(b) and standard 3(b)(2)(H), the ethics standards
18 do not apply to the arbitrator.

19
20 **Standard 16. Compensation**

21
22 (a) * * *

23
24 (b) Before accepting appointment, an arbitrator, a dispute resolution provider
25 organization, or another person or entity acting on the arbitrator's behalf must
26 inform all parties in writing of the terms and conditions of the arbitrator's
27 compensation. This information must include any basis to be used in determining
28 fees; ~~and~~ any special fees for cancellation, research and preparation time, or other
29 purposes; any requirements regarding advance deposit of fees; and any practice
30 concerning situations in which a party fails to timely pay the arbitrator's fees,
31 including whether the arbitrator will or may stop the arbitration proceedings.

32
33 *(Subd (b) amended effective July 1, 2014.)*

34
35 *Standard 16 amended effective July 1, 2014.*

36
37 **Comment to Standard 16**

38
39 This standard is not intended to affect any authority a court may have to make orders with respect
40 to the enforcement of arbitration agreements or arbitrator fees. It is also not intended to require
41 any arbitrator or arbitration provider organization to establish a particular requirement or practice
42 concerning fees or deposits, but only to inform the parties if such a requirement or practice has
43 been established.

1
2 **Standard 17. Marketing**
3

4 (a) An arbitrator must be truthful and accurate in marketing his or her services. An
5 arbitrator may advertise a general willingness to serve as an arbitrator and convey
6 biographical information and commercial terms of employment ~~and~~ but must not
7 make any representation that directly or indirectly implies favoritism or a specific
8 outcome. An arbitrator must ensure that his or her personal marketing activities and
9 any activities carried out on his or her behalf, including any activities of a provider
10 organization with which the arbitrator is affiliated, comply with this requirement.

11
12 *(Subd (a) amended effective July 1, 2014.)*
13

14 (b) * * *

15
16 (c) An arbitrator must not solicit appointment as an arbitrator in a specific case or
17 specific cases.

18
19 *(Subd (c) adopted effective July 1, 2014.)*
20

21 (d) As used in this standard, “solicit” means to communicate in person, by telephone,
22 or through real-time electronic contact to any prospective participant in the
23 arbitration concerning the availability for professional employment of the arbitrator
24 in which a significant motive is pecuniary gain. The term solicit does not include:
25 (1) responding to a request from all parties in a case to submit a proposal to provide
26 arbitration services in that case; or (2) responding to inquiries concerning the
27 arbitrator’s availability, qualifications, experience, or fee arrangements.

28
29 *(Subd (d) adopted effective July 1, 2014.)*
30

31 *Standard 17 amended effective July 1, 2014.*
32

33 **Comment to Standard 17**
34

35 **Subdivision (b) and (c).** Arbitrators should keep in mind that, in addition to these restrictions on
36 solicitation, several other standards contain related disclosure requirements. For example, under
37 standard 7(d)(4)-(6), arbitrators must disclose information about their past, current, and
38 prospective service as an arbitrator or other dispute resolution for a party or attorney in the
39 arbitration. Under standard 8(b)(1)(C) and (D), in consumer arbitrations administered by a
40 provider organization, arbitrators must disclose if the provider organization has coordinated,
41 administered, or provided dispute resolution services, is coordinating, administering, or providing
42 such services, or has an agreement to coordinate, administer, or provide such services for a party
43 or attorney in the arbitration. And under standard 12 arbitrators must disclose if, while an

1 arbitration is pending, they will entertain offers from a party or attorney in the arbitration to serve
2 as a dispute resolution neutral in another case.

3

4 ~~This~~ These provisions ~~is~~ are not intended to prohibit an arbitrator from accepting another
5 arbitration from a party or attorney in the arbitration while the first matter is pending, as long as
6 the arbitrator complies with the provisions of standard 12 and there was no express solicitation of
7 this business by the arbitrator.

8