

ASSEMBLY BILL

No. 3029

**Introduced by Committee on Judiciary (Corbett (Chair), Dutra,
Jackson, Longville, Shelley, Steinberg, and Wayne)**

March 12, 2002

An act to amend Section 1281.9 of the Code of Civil Procedure, relating to arbitration.

LEGISLATIVE COUNSEL'S DIGEST

AB 3029, as introduced, Committee on Judiciary. Arbitration agreements.

Existing law regulates the arbitration of disputes subject to an arbitration agreement, as specified.

This bill would make a technical, nonsubstantive change in that provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1281.9 of the Code of Civil Procedure
2 is amended to read:
3 1281.9. (a) In any arbitration pursuant to an arbitration
4 agreement, when a person is to serve as a neutral arbitrator, the
5 proposed neutral arbitrator shall disclose all matters ~~that~~ *which*
6 could cause a person aware of the facts to reasonably entertain a
7 doubt that the proposed neutral arbitrator would be able to be
8 impartial, including all of the following:

- 1 (1) The existence of any ground specified in Section 170.1 for
2 disqualification of a judge.
- 3 (2) Any matters required to be disclosed by the ethics standards
4 for neutral arbitrators adopted by the Judicial Council pursuant to
5 this chapter.
- 6 (3) The names of the parties to all prior or pending
7 noncollective bargaining cases in which the proposed neutral
8 arbitrator served or is serving as a party arbitrator for any party to
9 the arbitration proceeding or for a lawyer for a party and the results
10 of each case arbitrated to conclusion, including the date of the
11 arbitration award, identification of the prevailing party, the names
12 of the parties' attorneys and the amount of monetary damages
13 awarded, if any. In order to preserve confidentiality, it shall be
14 sufficient to give the name of any party who is not a party to the
15 pending arbitration as "claimant" or "respondent" if the party is
16 an individual and not a business or corporate entity.
- 17 (4) The names of the parties to all prior or pending
18 noncollective bargaining cases involving any party to the
19 arbitration or lawyer for a party for which the proposed neutral
20 arbitrator served or is serving as neutral arbitrator, and the results
21 of each case arbitrated to conclusion, including the date of the
22 arbitration award, identification of the prevailing party, the names
23 of the parties' attorneys and the amount of monetary damages
24 awarded, if any. In order to preserve confidentiality, it shall be
25 sufficient to give the name of any party not a party to the pending
26 arbitration as "claimant" or "respondent" if the party is an
27 individual and not a business or corporate entity.
- 28 (5) Any attorney-client relationship the proposed neutral
29 arbitrator has or had with any party or lawyer for a party to the
30 arbitration proceeding.
- 31 (6) Any professional or significant personal relationship the
32 proposed neutral arbitrator or his or her spouse or minor child
33 living in the household has or has had with any party to the
34 arbitration proceeding or lawyer for a party.
- 35 (b) Subject only to the disclosure requirements of law, the
36 proposed neutral arbitrator shall disclose all matters required to be
37 disclosed pursuant to this section to all parties in writing within 10
38 calendar days of service of notice of the proposed nomination or
39 appointment.



1 (c) For purposes of this section, “lawyer for a party” includes
2 any lawyer or law firm currently associated in the practice of law
3 with the lawyer hired to represent a party.

4 (d) For purposes of this section, “prior cases” means
5 noncollective bargaining cases in which an arbitration award was
6 rendered within five years prior to the date of the proposed
7 nomination or appointment.

8 (e) For purposes of this section, “any arbitration” does not
9 include an arbitration conducted pursuant to the terms of a public
10 or private sector collective bargaining agreement.

