

AMENDED IN SENATE MARCH 6, 2014

SENATE BILL

No. 907

Introduced by Senator Monning

January 22, 2014

An act to add ~~Section~~ *Sections 1297.18 and 1297.19* to the Code of Civil Procedure, relating to international commercial disputes.

LEGISLATIVE COUNSEL'S DIGEST

SB 907, as amended, Monning. International commercial disputes: representation and assistance.

Existing law, *the International Commercial Arbitration and Conciliation Act*, includes provisions that govern arbitration and conciliation proceedings for international commercial disputes. Existing law authorizes the parties in a conciliation proceeding to appear in person or be represented or assisted by any person of their choice, and provides that a person representing or assisting a party is not required to be a member of the legal profession or licensed to practice law in California.

This bill would make these provisions regarding representation and assistance of parties applicable to any arbitration or conciliation proceeding conducted pursuant to the statutory provisions that govern arbitration and conciliation of international commercial disputes. The bill would ~~encourage the Judicial Council and the State Bar of California to revise specified rules to conform to these provisions. The bill also would encourage the State Bar to form a California International Commercial Dispute Resolution Council to perform certain promotional and informational functions, and would prohibit the State Bar from using annual membership fees or other state funds for this purpose.~~ *express the intent of the Legislature to promote California's interest in*

becoming a major center for international commercial arbitration, and would require the act to be construed liberally in order to effectuate that intent.

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

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

1 *SECTION 1. (a) The Legislature finds and declares all of the*
2 *following:*

3 *(1) The International Commercial Arbitration and Conciliation*
4 *Act was enacted in 1988 to recognize, support, and promote the*
5 *benefits of international arbitration and conciliation in California.*

6 *(2) California's robust, internationally oriented economy and*
7 *concentration of large companies occupying positions of global*
8 *leadership make California an ideal venue for international*
9 *commercial arbitration.*

10 *(3) The economic benefits of being a center for international*
11 *commercial arbitration are substantial, broadly based, and*
12 *distributed across both state and municipal levels.*

13 *(b) Therefore, it is the intent of the Legislature that the*
14 *International Commercial Arbitration and Conciliation Act be*
15 *broadly construed so as to promote California's interest in*
16 *becoming a major center for international commercial arbitration.*

17 ~~SECTION 1.~~

18 *SEC. 2. Section 1297.18 is added to the Code of Civil*
19 *Procedure, immediately following Section 1297.17, to read:*

20 1297.18. In any proceeding or procedure conducted pursuant
21 to this title, the parties may appear in person or be represented or
22 assisted by any person of their choice. A person representing or
23 assisting a party need not be a member of the legal profession or
24 licensed to practice law in California.

25 *SEC. 3. Section 1297.19 is added to the Code of Civil*
26 *Procedure, to read:*

27 1297.19. *This title shall be construed liberally in order to*
28 *effectuate its legislative intent. The purposes of this title and all*
29 *of its provisions with respect to powers granted shall be broadly*
30 *interpreted to effectuate that intent and purposes and not as to any*
31 *limitation of powers.*

1 ~~SEC. 2. (a) The Legislature encourages the Judicial Council to~~
2 ~~revise California Rule of Court 9.43 and the State Bar of California~~
3 ~~to revise its rules regarding out-of-state attorney arbitration counsel~~
4 ~~to provide that these rules do not apply to arbitration or conciliation~~
5 ~~proceedings pursuant to Title 9.3 (commencing with Section~~
6 ~~1297.11) of the Code of Civil Procedure.~~

7 ~~(b) The Legislature encourages the State Bar of California to~~
8 ~~form a California International Commercial Dispute Resolution~~
9 ~~Council to actively promote California as a center for international~~
10 ~~commercial arbitration and conciliation and to inform the~~
11 ~~international community that California law allows the parties to~~
12 ~~international commercial dispute arbitration proceedings to be~~
13 ~~represented or assisted by any person of their choice and that the~~
14 ~~State of California positively encourages the growth of international~~
15 ~~arbitration in California. The State Bar of California shall not use~~
16 ~~annual membership fees or other state funds for purposes of this~~
17 ~~subdivision.~~