

Introduced by Senator Jackson

February 17, 2016

An act to amend Section 1280 of the Code of Civil Procedure, relating to arbitration.

LEGISLATIVE COUNSEL'S DIGEST

SB 1078, as introduced, Jackson. Civil procedure: arbitration.

Existing law governs arbitration in civil proceedings. Under existing law, a neutral arbitrator is defined as one who is selected jointly by the parties or by the parties' arbitrators, or is appointed by the court if the parties or their arbitrators cannot jointly select an arbitrator. Existing law provides that a party to an arbitration includes the party seeking to arbitrate the agreement, a party against whom arbitration is sought, or a party who is made a party by any of the parties to an agreement, including the arbitrator. Existing law also provides that a written arbitration agreement includes a written agreement that is extended or renewed by an implied or oral agreement.

This bill would make a technical, nonsubstantive change to these provisions.

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 1280 of the Code of Civil Procedure is
- 2 amended to read:
- 3 1280. As used in this title:
- 4 (a) "Agreement" includes but is not limited to agreements
- 5 providing for valuations, appraisals and similar proceedings and

1 agreements between employers and employees or between their
2 respective representatives.

3 (b) “Award” includes but is not limited to an award made
4 pursuant to an agreement not in writing.

5 (c) “Controversy” means any question arising between parties
6 to an agreement whether such question is one of law or of fact or
7 both.

8 (d) “Neutral arbitrator” means an arbitrator who is *either*
9 (1) selected jointly by the parties or by the arbitrators selected by
10 the parties or (2) appointed by the court when the parties or the
11 arbitrators selected by the parties fail to select an arbitrator who
12 was to be selected jointly by them.

13 (e) “Party to the arbitration” means a party to the arbitration
14 agreement:

15 (1) Who seeks to arbitrate a controversy pursuant to the
16 agreement;

17 (2) Against whom such arbitration is sought pursuant to the
18 agreement; or

19 (3) Who is made a party to such arbitration by order of the
20 neutral arbitrator upon such party’s application, upon the
21 application of any other party to the arbitration or upon the neutral
22 arbitrator’s own determination.

23 (f) “Written agreement” shall be deemed to include a written
24 agreement which has been extended or renewed by an oral or
25 implied agreement.