

AMENDED IN SENATE JULY 22, 1998
AMENDED IN ASSEMBLY APRIL 22, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2086

Introduced by Assembly Member Keeley

February 18, 1998

An act to amend Section 1282.4 of the Code of Civil Procedure, relating to arbitration.

LEGISLATIVE COUNSEL'S DIGEST

AB 2086, as amended, Keeley. Arbitration: attorneys.

Existing law requires any person rendering legal services in this state to be admitted to the State Bar of California. Existing law provides that a party to an arbitration has the right to be represented by an attorney.

This bill would permit persons admitted to the bar of any state to represent a party in an arbitration proceeding in this state, or to render legal services in this state in connection with an arbitration proceeding in another state. *The bill would require those attorneys to serve upon the arbitrator, the parties, and counsel a certificate containing specified information prior to the first scheduled hearing in the arbitration.*

The bill would also permit any party to an arbitration arising under certain collective bargaining agreements or to an administrative proceeding to be represented by any person.

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 1282.4 of the Code of Civil
2 Procedure is amended to read:

3 1282.4. (a) A party to the arbitration has the right to
4 be represented by an attorney at any proceeding or
5 hearing in arbitration under this title. A waiver of this
6 right may be revoked; but if a party revokes such waiver,
7 the other party is entitled to a reasonable continuance for
8 the purpose of procuring an attorney.

9 (b) Notwithstanding any other provision of law,
10 including Section 6125 of the Business and Professions
11 Code, an attorney admitted to the bar of any state may
12 represent the parties in the course of, or in connection
13 with, an arbitration proceeding in this state, ~~or in~~
14 ~~connection with rendering legal services in this state in~~
15 ~~connection with an arbitration proceeding in another~~
16 ~~state.~~ *provided that the attorney timely files the*
17 *certificate described in subdivision (c).*

18 (c) *Prior to the first scheduled hearing in an*
19 *arbitration, the attorney described in subdivision (b)*
20 *shall serve a certificate on the arbitrator or arbitrators and*
21 *all other parties and counsel in the arbitration whose*
22 *addresses are known to the attorney. In the event that the*
23 *attorney is retained after the first hearing has*
24 *commenced, then the certificate shall be served prior to*
25 *the first hearing at which the attorney appears. The*
26 *certificate shall state all of the following:*

- 27 (1) *The attorney's residence and office address.*
- 28 (2) *The courts before which the attorney has been*
29 *admitted to practice and the dates of admission.*
- 30 (3) *That the attorney is currently a member in good*
31 *standing and eligible to practice law by the bar of those*
32 *courts.*
- 33 (4) *That the attorney is not currently on suspension or*
34 *disbarred from the practice of law before the bar of any*
35 *court.*



1 (5) That the attorney is not a resident of the State of
2 California.

3 (6) That the attorney is not regularly employed in the
4 State of California.

5 (7) That the attorney is not regularly engaged in
6 substantial business, professional, or other activities in the
7 State of California.

8 (8) That the attorney agrees to be subject to the
9 jurisdiction of the courts of this state with respect to the
10 law of this state governing the conduct of attorneys to the
11 same extent as a member of the State Bar of California.

12 (d) Failure to timely file the certificate described in
13 subdivision (c) shall be grounds for disqualification from
14 serving as the attorney of record in the arbitration in
15 which the certificate was filed.

16 (e) An attorney who files a certificate containing false
17 information or who otherwise fails to comply with the
18 standards of professional conduct required of members of
19 the State Bar of California shall be subject to the
20 disciplinary jurisdiction of the State Bar with respect to
21 any of his or her acts occurring in the course of the
22 arbitration.

23 (f) Notwithstanding any other provision of law,
24 including Section 6125 of the Business and Professions
25 Code, an attorney who is a member in good standing of
26 the bar of any state may represent the parties in
27 connection with rendering legal services in this state in
28 the course of and in connection with an arbitration
29 pending in another state.

30 (g) Notwithstanding any other provision of law,
31 including Section 6125 of the Business and Professions
32 Code, any party to an arbitration arising under collective
33 bargaining agreements in industries and provisions
34 subject to either state or federal law, or to an
35 administrative proceeding, may be represented in the
36 course of, and in connection with, those proceedings by
37 any person, regardless of whether that person is licensed
38 to practice law in this state.

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